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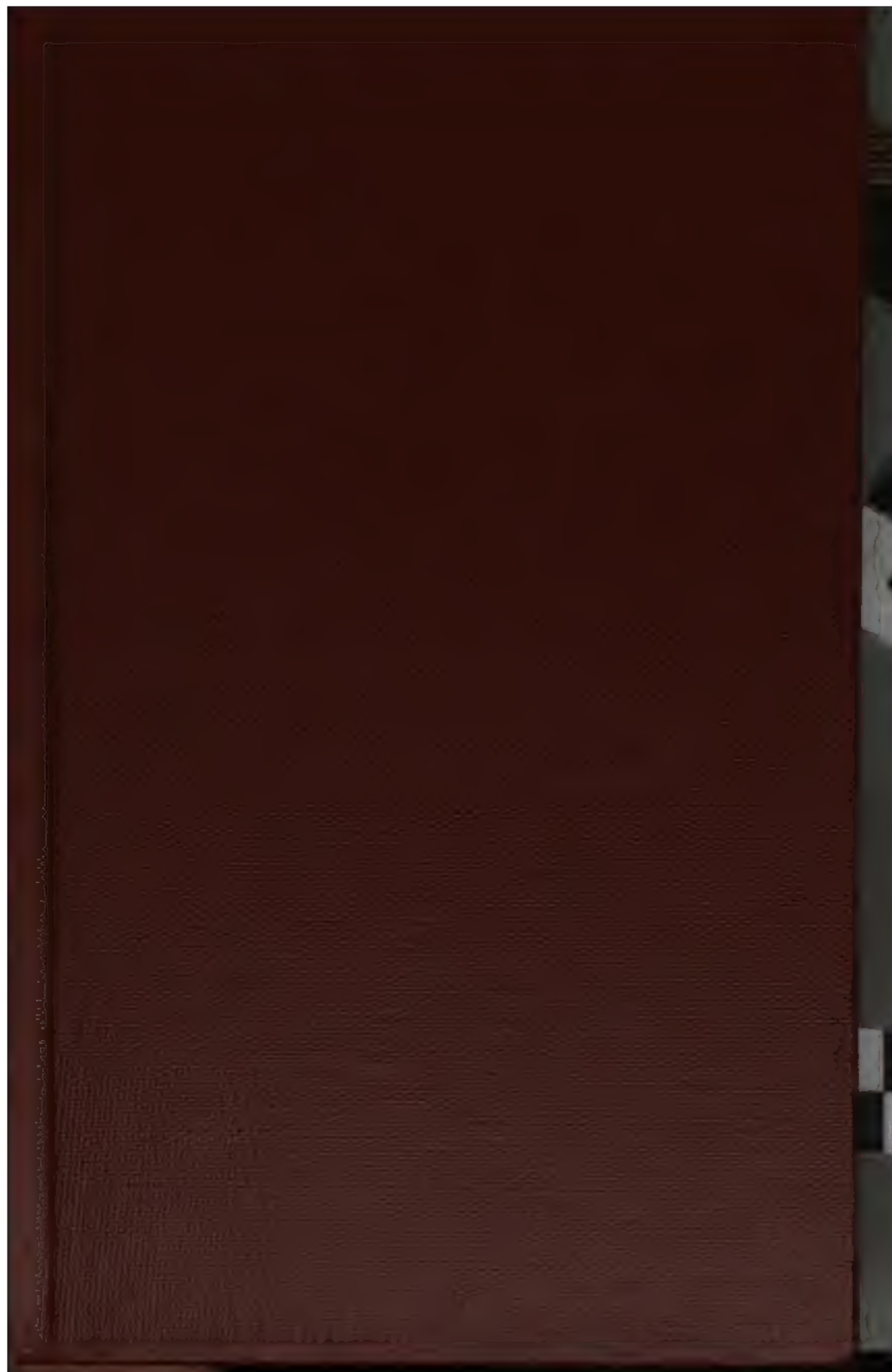
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AN
APPENDIX
TO A
TREATISE
ON
The Law of Elections:
CONTAINING
ACTS RELATING TO CONTROVERTED
ELECTIONS, &c. &c.
THE
SCOTS AND IRISH STATUTES,
AND
FORMS AND PRECEDENTS, &c.

By **WILLIAM THOMAS ROE, Esq.**
OF LINCOLN'S INN, BARRISTER-AT-LAW.

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Appendix

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THE contents of this volume, consisting partly of Forms, and partly of Acts of Parliament, are intended as ancillary to the Treatise upon the Law of Elections.

The original design was to have placed them at the end of the work; but, from the matter which it has been considered practically essential to introduce, the size is become such, as to render it eligible to publish them in a separate volume.

This arrangement has been the more readily adopted, from the circumstance that the statutes of *Scotland*, and of *Ireland*, which form

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the basis of election law, as regarding those branches of the united kingdom, are herein comprized.

The component parts of this compilation are of a nature to need no observation, it being considered that they are obviously useful: and it is hoped that all such forms as may be necessary, either in the proceedings immediately touching the election and return, or in those touching the ulterior inquiry, before select committees, under the *Grenville*, and subsequent acts, relating to *England*, and to *Ireland*, will be found contained among them. Nor is it less anxiously hoped, that the collection will be deemed unincumbered by insertions, extraneous, or not strictly pertinent.

Possibly it is not very material to explain the order in which an Appendix presents itself. It will be seen, however, that it has been dictated by that of the principal work.

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Collectively, the two volumes which are now offered to the public, comprehend the whole of the statute law, not only that which relates to elections in general, but also that which, although operating exclusively at particular places, is important to render a work of this description complete.

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<i>The stat. 51 Geo. 3. c. 84.—Coal meters—Corn meters</i>	DCVIII
<i>Orders relating to disqualifications of electors</i>	DCXI

ACTS RELATING TO BRIBERY.

<i>The stat. 9 Geo. 2. c. 38.</i>	DCXII
<i>Resolutions of the house of commons, relating to bribery and undue practices at elections</i>	DCXIII

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*Declaration to be made by Members under
stat. 30. Car. II. stat. 2. c. 1.*

I, A. B. do solemnly and sincerely, in the presence of God, profess, testify, and declare, that I do believe, that in the sacrament of the Lord's supper there is not any transubstantiation of the elements of bread and wine unto the body and blood of Christ, at or after the consecration thereof by any person whatsoever. 2. And that the invocation or adoration of the Virgin Mary or any other saint, and the sacrifice of the mass as they are now used in the church of Rome, are superstitious and idolatrous. 3. And I do solemnly in the presence of God, profess, testify, and declare, that I do make this declaration and every part thereof in the plain and ordinary sense of the words read unto me, as they are commonly understood by *English* protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking that I am or can be acquitted before God or man, or absolved of this declaration

part thereof, although the pope or any other person or persons or power whatsoever, should dispense with or annul the same, or declare that it was null or void from the beginning.

Schedule of a Member's Qualification (referred to in the Oath required by stat. 33. Geo. 2. c. 20.)

THE lands, tenements, and hereditaments, whereby I make out my qualification to serve in the present parliament, do lie in the parishes of *A.* and *B.* in the county of *C.*; and in the parishes of *D.* *E.* and *F.* in the county of *G.*; and I do declare my estate in the same to be of the annual value of (if a knight of the shire, £600; and if a citizen or burgess, £300), above reprises.

Notice to a Petitioner whose Qualification it is intended to question.

To *A. B.* esqr. a petitioner to the honorable house of commons, complaining of an undue election for the borough of *C.*
 PURSUANT to a resolution of the house of commons of the 21st of November, 1717, you are hereby required to give to and leave with the clerk of the house of commons, a rental or particular, signed by you, of the lands, tenements, and hereditaments, which you claim as your qualification to serve in the present parliament.

ments, and hereditaments, whereby you make out your qualification to serve in parliament, and if you have not been in possession thereof for three years before the late election, you are to insert, from what person, and by what conveyance, or act in law you claim and derive the same; and also the consideration, if any paid, and the names and places of abode of the witnesses to such conveyance and payment.

C. D.

Form of the Lord Steward's Deputation on a new Parliament.

HENEAGE earl of Aylesford, lord steward of his majesty's household, and one of his majesty's most honorable privy council, to all to whom these presents shall come; know ye, that I, the said lord steward, by virtue of my said office of lord steward, have constituted, named and appointed, and by these presents, do constitute, name, and appoint [about threescore and fifteen noblemen and gentlemen,] or any five, four, three, two, or one of them, my deputy and deputies, in my place and stead, to tender and administer the oaths mentioned in a statute made in the first year of the reign of their late majesties king William and queen Mary, intituled, *An act for removing and preventing all questions and disputes concerning the assembling and sitting of this present parliament,* according to the directions of the said statute, and of all and every other statute and statutes, directing the taking the said oaths before me, to all and every person and persons, who is,

.2 end of
01 2 1 2

are, or shall be, elected or appointed a knight, citizen, burgess, baron of any of the five ports, or commissioners for the shires or burghs of the present parliament, appointed to meet the twenty-second day of June instant, and to take and receive the oaths of all and every the said person and persons, who is, are, or shall be elected or appointed a knight, citizen, burgess, baron of any of the five ports, or commissioners for the shires or burghs aforesaid, for the said parliament; also, to tender and administer the oath mentioned in a statute made the seventh year of the reign of his late majesty, intituled,

1 Geo. 2, c. 16. An act for the better regulating the election of members to serve in the house of commons, for that part of Great Britain called Scotland, and for incapacitating the judges of the court of session, court of justiciary, and barons of the court of exchequer, in Scotland, to be elected, or to sit or vote as members of the house of commons: according to the directions of another statute made in the sixteenth year of his late majesty's reign, directing the said oath to be taken before me, by all and every person and persons, who is, are, or shall be chosen a member to serve in parliament for any shire or stewarty, within that part of Great Britain called Scotland, and who was not, were not, or shall not, be present at the meeting of election; and to take and receive the oath of all and every such person and persons, giving them my said deputies, six, five, four, three, two, or one of them, full power and authority to execute and perform the matters herein before mentioned, ratifying and confirming all and whatsoever my deputies or deputy shall lawfully do and perform in this behalf, in as ample, perfect, and full manner, as if I myself had

1 Geo. 2, c. 16.

16 Geo. 2.
c. 11. § 10.

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personally been present and done the same. In testimony whereof, I, the said lord steward, have hereunto set my hand and seal, this twenty-second day of June, in the forty-seventh year of the reign of, &c. and in the year of our lord, one thousand eight hundred and seven.

Sealed and delivered (being first duly stamped) in the presence of *Aylesford.* (L. S.)

Order to the Lord Chancellor for passing two Proclamations under the Great Seal.

At the court at the Queen's Palace,
24 October, 1806; present the king's
most excellent majesty in council,

It is this day ordered by his majesty in council, that the right honorable the lord high chancellor of that part of the United Kingdom called Great Britain, do cause the great seal to be affixed to two proclamations, the one for dissolving the present parliament, and calling a new one; and the other for electing and summoning the sixteen peers of Scotland to sit in the said parliament.

Order to the Lord Chancellors of Great Britain and Ireland, to issue Writs for calling a new Parliament.

His majesty having been pleased by his royal proclamation to dissolve the present parliament, is hereby pleased, with the advice of

his privy council, to order that the right honorable the lord high chancellor of that part of the United Kingdom called Great Britain, and the right honorable the lord high chancellor of Ireland do respectively cause writs to be issued in due form and according to law, for the calling of a new parliament to meet at the city of Westminster, which writs are to be returnable on Monday, the 22d day of June next.

Writ to the Sheriff on a General Election.

GEORGE the third, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, to the sheriff of the county of Oxford, greeting: whereas, by the advice and assent of our council, for certain arduous and urgent affairs concerning us, the state and defence of our said United Kingdom and the church, we have ordered a certain parliament to be holden at our city of Westminster, on the 29th day of November next ensuing, and there to treat and have conference with the prelates, great men, and peers of our realm; we command and strictly enjoin you, that (proclamation being made of day and place aforesaid, in your next county court to be holden after the receipt of this our writ) two knights, of the most fit and discreet of the said county, girt with swords; and of the university of Oxford, two burgesses; and of every city of that county, two citizens; and of every borough in the same county, two burgesses, of the most sufficient and discreet, freely and indifferently,

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by those who at such proclamation shall be present, according to the form of the statutes in that case made and provided, you cause to be elected; and the names of those knights, citizens, and burgesses, so to be elected (whether they be present or absent), you cause to be inserted in certain indentures to be thereupon made between you and those who shall be present at such election; and them at the day and place aforesaid you cause to come, in such manner, that the said knights for themselves and the commonalty of the same county, and the said citizens, and burgesses, for themselves and the commonalty of the said university, cities, and boroughs respectively, may have from them full and sufficient power, to do and consent to those things which then and there, by the common council of our said kingdom (by the blessing of God), shall happen to be ordained upon the aforesaid affairs; so that, for want of such power, or through an improvident election of the said knights, citizens, or burgesses, the aforesaid affairs may in no wise remain unfinished: willing, nevertheless, that neither you, nor any other sheriff of this our said kingdom, be in anywise elected, nor that the election, in your full county so made distinctly and openly, under your seal, and the seals of those who shall be present at such election, you do certify to us in our chancery, at the day and place aforesaid, without delay, remitting to us one part of the aforesaid indentures, annexed to these presents, together with this writ. Witness ourself, at Westminster, the first day of October, in the fourteenth year of our reign*.

* The writs to the sheriffs are all in the same form, except that in those for Oxfordshire and Cambridgeshire there

To be indorsed when returned.

THE execution of this writ appears in certain schedules hereunto annexed.

A. B. sheriff.

[By the stat. 7 Hen. 4. c. 13. In the writs of the parliament to be made hereafter, this clause shall be put "*Et electionem tuam in pleno comitatu tuo factam distincte, et aperte sub sigillo tuo, et sigillis eorum qui electioni illi interfuerint nobis in cancellaria nostra ad diem et locum in brevi contentos certifies indilate.*"]

The Speaker's Warrant for issuing a new Writ on a Vacancy.

Mercurii, 5 die Junii, 1811.

By virtue of an order of the house of commons, this day made:

These are to require you to make out a new writ for the electing of a burgess to serve in this present parliament for the borough of King's Lynn, in the room of lord Walpole, who, since his election for the said borough, hath accepted the office of one of the commissioners for executing the office of lord high admiral, for which this shall be your sufficient warrant.

Given under my hand, the fifth day of June, 1811.

Charles Abbot, Speaker.

To the clerk of the crown
in chancery.

is a clause for the election of members for the respective universities. 1 Doug. 450.

The above form corresponds with the latin one in 1 Eliz. as set forth D'Ewes, 37.

Certificate to be signed by two Members, on a Vacancy happening during a Recess. (stat. 24 Geo. 3. c. 26.)

WE, whose names are underwritten, being two members of the house of commons, do hereby certify, that M. P. late a member of the said house, serving as one of the knights of the shire for the county of (or as the case may be) died upon the day of (or is become a peer of Great Britain, and that a writ of summons hath been issued, under the great seal of Great Britain, to summon him to parliament; as the case may be;) and we give you this notice, to the intent that you may issue your warrant to the clerk of the crown, to make out a new writ for the election of a knight to serve in parliament for the said county of (or as the case may be) in the room of the said M. P. Given under our hands, this day of

To the speaker of the house of commons.

Note. That in case there shall be no speaker of the house of commons, or of his absence out of the realm, such certificate may be addressed to any one of the persons appointed according to the directions of this act. (24 Geo. 3. c. 26.)

Writ for a new Election of two Burgesses for the Borough of Ilchester, the former Election having been adjudged void.

GEORGE the third, by the grace of God, &c., whereas, Thomas Plummer and William Hunter,

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esquires, were lately chosen burgesses for the borough of Ilchester, in your county, for the present parliament, summoned to be holden in our city of Westininster, the 31st day of August now last past, and from thence by our several writs prorogued to and until Tuesday, the 16th day of November, in the 42d year of our reign, and there now holden; and whereas the lower house of our said parliament have adjudged the election of the said Thomas Blummer and William Hunter to be void, as by the letter of our right, trusty, and well-beloved counsellor, Charles Abbot, speaker of our lower house of parliament, more fully and plainly appears; by means whereof our subjects of the said borough are deprived of two burgesses to treat for the benefit of the same borough in our said parliament; nevertheless, we being unwilling that the commonalty of our kingdom, in our said parliament assembled to treat of the business concerning us, the state, and defence of our kingdom and the church, from the aforesaid cause, should be diminished or lessened, whereby those affairs may not have a due end, we command you, that in the place of the said Thomas Plummer and William Hunter, within the borough aforesaid, two other fit and discreet burgesses of the aforesaid borough, (proclamation being first made of the premises, and of the day and place), freely and indifferently, by those who shall be present at the proclamation, according to the form of the statute in that case made and provided, you cause to be elected, and the names of such burgesses to be inserted in certain indentures to be thereupon made between you and them who shall be present at such election, (whether at the said election they shall be present or absent,) and to cause them

to come to the said parliament, so that the same burgesses so to be chosen may have full power and sufficient authority for themselves and the commonalty of the aforesaid borough, to do and consent to those things which in our parliament aforesaid by the common council of our realm (by the blessing of God,) shall happen to be obtained upon the aforesaid affairs, willing nevertheless, that neither you, nor any other sheriff of this our kingdom in any wise be elected; and the election so made distinctly and openly under your seal and the seals of them who shall be present at such election, certify you to us in our chancery forthwith, remitting to us one part of the aforesaid indentures annexed to these presents, together with this writ. Witness ourselves at Westminster, the 30th day of March, in the 43d year of our reign.

Bathurst and Bathurst.

To the sheriff of the county of Somerset. A writ for a new election of two burgesses for the borough of Ilchester.

Bathurst and Bathurst. See 2 Peck. 254.

Precept from the Sheriff of Middlesex to the Bailiff of Westminster, for the Election of one Citizen for the said City.

MIDDLESEX. Sir G. A. knight, and sir R. G. knight, sheriff of the said county, to the bailiff of the liberty of the dean and chapter of the collegiate church of St. Peter at W. in the said county, greeting. Know, that I have re-

received a certain writ of our lord the king, to me directed, the tenor whereof followeth (*here follows the writ verbatim;*) and because the execution of the said writ belongs to you, therefore, by virtue of the said writ, I require you, that you forthwith cause a citizen to be elected for the said city, in the place of the said P. W. according to the command of the said writ; and how this my warrant shall be executed you shall make known to me immediately after the said election made; so that I may certify the same, together with the said writ, and this precept return to our lord the king, in his chancery forthwith. Hereof fail not. This is your warrant, given under the seal of my office, dated the day of one thousand seven hundred and

R. S. and S. L. sheriff.

To be indorsed when returned.

THE execution of this precept appears in a certain schedule hereunto annexed.

W. C. esqr. bailiff.

Notice of Election for Borough.

*Borough of Stockbridge
in the County of South-
ampton.*

I, A. B. bailiff
of the said bo-
rough, do hereby
give notice that I

shall proceed to the election of two burgesses to serve in parliament for the said borough at the town hall of the said borough, on Thursday next, the 30th day of October, at nine o'clock in the forenoon.

Dated, this 26th day of October, 1806.

A. B.

The stat. 2. Geo. 2. c. 24.

An Act for more effectually preventing Bribery and Corruption in the Elections of Members to serve in Parliament.

(To be read at all Elections).

“ WHEREAS it is found by experience, that
 “ the laws already in being have not been suf-
 “ ficient to prevent corrupt and illegal practices
 “ in the election of members to serve in parlia-
 “ ment: for remedy, therefore, of so great an
 “ evil, and to the end that all elections of mem-
 “ bers to parliament may hereafter be freely and
 “ indifferently made, without charge or expence,”
 Be it enacted, by the king’s most excellent ma-
 jesty, by and with the advice and consent of
 the lords spiritual and temporal, and commons,
 in this present parliament assembled, and by
 the authority of the same, that from and after
 the twenty-fourth day of June, in the year of
 our lord 1729, upon every election of any
 member or members to serve for the commons
 in parliament, every freeholder, citizen, free-
 man, burgess, or person having or claiming to
 have a right to vote or be polled at such elec-
 tion, shall, before he is admitted to poll at the
 same election, take the following oath, (or, being
 one of the people called *Quakers*, shall make the
 solemn affirmation appointed for *Quakers*,) in
 case the same shall be demanded by either of
 the candidates, or any two of the electors; that
 is to say, “ I, *A. B.* do swear, (*or being one*
 “ *of the people called Quakers*, I, *A. B.* do
 “ solemnly affirm,) I have not received, or had
 “ by myself or any person whatsoever in trust
 “ for me, or for my use and benefit, directly or
 “ indirectly, any sum or sums of money, office,
 “ place, or employment, gift, or reward, or

Extended to
elections of de-
legates in Scot-
land, by 16
Geo. 2. c. 11.

Electors of
parliament-
men to take
the following
oath, if de-
manded.

Electors oath.

“ any promise or security for any money, office,
 “ employment, or gift, in order to give my
 “ vote at this election, and that I have not
 “ been before polled at this election.” Which

Presiding officer to administer it on forfeiture of 50*l*.

oath or affirmation the officer or officers presiding or taking the poll at such election is and are hereby empowered and required to administer *gratis*, if demanded as aforesaid, upon pain to forfeit the sum of fifty pounds of lawful money of *Great Britain*, to any person that shall sue for the same, to be recovered, together with full costs of suit by action of debt, bill, plaint, or information, in any of his majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, or more than one imparlance shall be admitted or allowed; and if the said offence shall be committed in that part of *Great Britain*, called *Scotland*, then to be recovered, together with full costs of suit, by summary action or complaint before the court of session, or by prosecution before the courts of justiciary there, for every neglect or refusal so to do; and no person shall be admitted to poll, till he has taken and repeated the said oath in a public manner, in case the same shall be demanded as aforesaid, before the returning officer, or such others as shall be legally deputed by him.

Sheriff or other returning officer admitting any to be polled before sworn, to forfeit 100*l*.

§ 2. And be it further enacted, that if any sheriff, mayor, bailiff, or other returning officer, shall admit any person to be polled without taking such oath or affirmation, if demanded as aforesaid, such returning officer shall forfeit the sum of one hundred pounds, to be recovered in manner aforesaid, together with full costs of suit; and that if any person shall vote or poll at such election, without having first taken the

Voters to incur the like penalty.

oath, or if a *Quaker*, made his affirmation as aforesaid, if demanded, such person shall incur the same penalty, which the officer is subject to for the offence above mentioned.

§ 3. And be it further enacted by the authority aforesaid, that every sheriff, mayor, bailiff, headborough, or other person, being the returning officer of any member to serve in parliament, shall, immediately after the reading the writ, or precept for the election of such member take and subscribe the following oath, viz.

Returning officer, after reading the writ, to take the following oath.

“I, *A. B.* do solemnly swear, that I have
 “not, directly or indirectly, received any sum
 “or sums of money, office, place, or employ-
 “ment, gratuity or reward, or any bond, bill,
 “or note, or any promise or gratuity whatso-
 “ever, either by myself or any other person to
 “my use, or benefit, or advantage, for making
 “any return at the present election of members
 “to serve in parliament; and that I will return
 “such person or persons as shall to the best of
 “my judgment appear to me to have the ma-
 “jority of legal votes.”

Repealed so far as it relates to the returning officers in Scotland, by stat. 16 Geo. 2. c. 11. § 38. the § 35. of which act substitutes another oath for them.

Which oath any justice or justices of the peace of the said county, city, corporation, or borough where such election shall be made, or in his or their absence, any three of the electors are hereby required and authorized to administer; and such oath, so taken, shall be entered among the records of the sessions of such county, city, corporation, and borough as aforesaid.

§ 4. And be it enacted by the authority aforesaid, that such votes shall be deemed to

What votes shall be deemed legal.

*Repealed by
stat. 28. Geo. 3.
c. 52. § 31.
The § 25, 26 &
27 of that act
substituting the
report of the se-
lect committee
upon the right
of election for
the last deter-
mination of the
house.*

*Penalty of wil-
ful perjury.*

*Persons con-
victed, never
capable to
vote.*

*Persons taking
money or re-
ward for their
vote, &c. to
forfeit 500*l*.
and disabled
to vote, &c.*

be legal, which have been so declared by the last determination, in the house of commons; which last determination, concerning any county, shire, city, borough, cinque-port, or place, shall be final to all intents and purposes whatsoever, any usage to the contrary notwithstanding.

§ 5. And be it further enacted by the authority aforesaid, that if any returning officer, elector, or person taking the oath or affirmation hereinbefore mentioned, shall be guilty of wilful and corrupt perjury, or of false affirming, and be thereof convicted by due course of law, shall incur and suffer the pains and penalties, which by law are enacted or inflicted, in cases of wilful and corrupt perjury.

§ 6. And be it further enacted by the authority aforesaid, that no person convicted of wilful and corrupt perjury, or subornation of perjury, shall, after such conviction, be capable of voting in any election of any member or members to serve in parliament.

§ 7. AND be it further enacted by the authority aforesaid, that if any person, who hath or claimeth to have, or hereafter shall have or claim to have, any right to vote in any such election, shall, from and after the said 24th day of *June*, which shall be in the year of our lord 1729, ask, receive, or take any money, or other reward, by way of gift, loan, or other device, or agree or contract for any money, gift, office, employment, or other reward whatsoever, to give his vote, or to refuse or forbear to give his vote in any such election; or if any person by himself, or any person employed by

him, doth or shall by any gift or reward, or by 2 Geo. 2. c. 24
 any promise, agreement, or security for any
 gift or reward; corrupt or procure any person
 or persons to give his or their vote or votes, or
 to forbear to give his or their vote or votes in
 any such election; such person so offending in
 any of the cases aforesaid shall, for every such
 offence, forfeit the sum of five hundred pounds
 of lawful money of *Great Britain*, to be reco-
 vered as before directed, together with full
 costs of suit: and every person offending in any
 of the cases aforesaid, from and after judgment
 obtained against him in any such action of
 debt, bill, plaint, or information, or summary
 action, or prosecution, or being any other-
 wise lawfully convicted thereof, shall for ever
 be disabled to vote in any election of any mem-
 ber or members to parliament; and also shall
 for ever be disabled to hold, exercise, or enjoy
 any office or franchise, to which he and they
 then shall, or at any time afterwards may be
 entitled, as a member of any city, borough,
 town corporate, or cinque port, as if such per-
 son was naturally dead.

§ 8. And be it further enacted, by the au-
 thority aforesaid, that if any person offending
 against this act shall, within the space of twelve
 months next after such election as aforesaid,
 discover any other person or persons offending
 against this act, so that such person or persons
 so discovered be thereupon convicted, such
 person so discovering, and not having been
 before that time convicted of any offence
 against this act, shall be indemnified, and dis-
 charged from all penalties and disabilities which
 he shall then have incurred by any offence
 against this act.

Offenders,
 within twelve
 months after
 the election
 discovering
 others indem-
 nified.

3 Geo. 2. c. 24.

The act to be read by the sheriff, &c. after reading the writ.

And at the quarter sessions after Easter.

Wilful offence forfeits 50l.

Prosecution to commence within two years.

§ 9. And for the more effectual observance of this act; be it enacted, that all and every the sheriffs, mayors, bailiffs, and other officers, to whom the execution of any writ or precept for electing any member or members to serve in parliament shall belong or appertain, shall, and are hereby required, at the time of such election, immediately after the reading such writ or precept, read or cause to be read openly before the electors there assembled, this present act, and every clause therein contained; and the same shall also openly be read once in every year, at the general quarter sessions of the peace, to be holden next after Easter, for any county or city; and at every election of the chief magistrate in any borough, town corporate, or cinque port; and at the annual election of magistrates and town counsellors for every borough within that part of *Great Britain* called *Scotland*.

§ 10. And be it further enacted, by the authority aforesaid, that every sheriff, under sheriff, mayor, bailiff, and other officer, to whom the execution of any writ or precept for the electing of members to serve in parliament doth belong, for every wilful offence, contrary to this act, shall forfeit the sum of fifty pounds, to be recovered, together with full costs of suit, in the manner before directed.

§ 11. Provided always, and it is hereby declared and enacted by the authority aforesaid, that no person shall be made liable to any incapacity, disability, forfeiture, or penalty by this act laid or imposed, unless prosecution be commenced within two years after such incapacity, disability, forfeiture, or penalty shall

be incurred, or in case of a prosecution, the same be carried on without wilful delay; any thing herein contained to the contrary notwithstanding.

Sec. 9. Geo. 3. c. 38. explaining and amending this clause.

~~Statute~~

The stat. 3. Geo. 3. c. 15.

An Act to prevent occasional Freemen from voting at Elections of Members to serve in Parliament for Cities and Boroughs.

(To be read at all Elections where the Right of Election is in the whole, or in part, in Freemen).

“WHEREAS great abuses have been committed in making freemen of corporations, in order to influence elections of members to serve in parliament, to the great infringement of the rights of freemen of such corporations, and of the freedom of elections;” to prevent such practices for the future, Be it enacted, by the king’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in parliament assembled, and by authority of the same, that from and after the first day of May, 1763, no person whatsoever claiming as a freeman to vote at any election of members to serve in parliament, for any city, town, port, or borough, in England, Wales, and the town of Berwick-upon-Tweed, where such voter’s right of voting is as a freeman only, shall be admitted to give his vote at such election, unless such person shall have been admitted to the freedom of such city, town, port, or borough, *twelve calendar*

None to vote as freemen at elections of members, but such as have been admitted to their freedom twelve months before such election

3 Geo. 3. c. 15. *months before the first day of such election ;*
 and if any person shall presume to give his vote
 as a freeman at any election of members to
 serve in parliament, contrary to the true intent
 and meaning of this act, he shall, for every
 such offence, forfeit and pay the sum of one
 hundred pounds to him, her, or them, who
 shall inform and sue for the same; and the
 vote given by such person shall be void and of
 no effect.

on penalty of
100l.

Persons in-
 titled to their
 freedom by
 birth, mar-
 riage, or servi-
 tude, except-
 ed.

2. Provided always, that nothing herein con-
 tained shall extend, or be construed to extend
 to any person entitled to his freedom by birth,
 marriage, or servitude, according to the custom
 or usage of such city, town, port, or borough.

Penalty of an-
 tedating the
 admission of
 any freeman,
 100l.

3. And be it further enacted, by the authority
 aforesaid, that if any mayor, bailiff, sheriff,
 town-clerk, or other officer of any corporation,
 or other person whatsoever, shall wilfully and
 fraudulently antedate, or cause to be antedated,
 any admission of any freeman, such mayor,
 bailiff, sheriff, town-clerk, officer, or other
 person, shall, for every such offence, forfeit
 and pay the sum of five hundred pounds to
 him, her, or them, who shall inform and sue
 for the same.

The books and
 papers of ad-
 mission of free-
 men to be open
 to inspection
 upon the de-
 mand of the
 candidate, his
 agent, or two
 freemen, upon
 payment of 1s.

4. And be it further enacted, by the authority
 aforesaid, that the mayor, bailiff, sheriff, town-
 clerk, or other officer of any corporation, hav-
 ing the custody of, or power over, the records
 of the same, shall, upon the demand of any
 candidate, or his agent, or any two freemen,
 on the payment of one shilling, permit such
 candidate, agent, or freemen, between the
 hours of nine in the morning and three in the

afternoon, at any time before, and within one month after, any such election as aforesaid, to inspect the books and papers wherein the admission of freemen shall be entered; and to have copies or minutes of the admission of so many freemen, as such candidate, agent, or freemen shall think fit, upon paying to such mayor, bailiff, sheriff, town-clerk, or other officer, a reasonable charge for writing the same; and such books and papers shall, if demanded by such candidate, agent, or freemen, be produced by such mayor, bailiff, sheriff, town-clerk, or other officer, at every election, and be referred to, in case any dispute shall arise touching the right of any person to give his vote thereat; and if such mayor, bailiff, sheriff, town-clerk, or other officer, shall refuse or deny such candidate, agent, or freemen, the inspection of such books and papers, or to have copies or minutes thereof, or shall refuse or neglect to produce such books and papers at any election, if demanded, and paid for in the manner hereinbefore set forth, such mayor, bailiff, sheriff, town-clerk, or other officer, shall, for every such offence, forfeit and pay the sum of one hundred pounds to him, her, or them, who shall inform and sue for the same.

3 Geo. 3. c. 15.

And copies and minutes of the admissions to be given, paying reasonably for writing the same, and the books &c. to be produced, if demanded, at every election.

On penalty of 100*l*.

5. And be it further enacted, by the authority aforesaid, that all forfeitures or penalties laid or imposed by this act, shall be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster; wherein no essoin, protection, wager of law, or more than one imparlance shall be allowed.

The penalties may be recovered with full costs of suit.

3 Geo. 3. c. 15
Provided the
prosecution be
commenced
within a year.

6. Provided always, and it is hereby further enacted and declared, by the authority aforesaid, that no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution be commenced within one year after such forfeiture or penalty shall be incurred.

This act to be
openly read by
the returning
officer at all
elections by
freemen, im-
mediately after
act 3 Geo. 3
c. 24.

7. And be it further enacted, by the authority aforesaid, that the returning officer shall read, or cause to be read, openly, this act, at the time of election of members to serve in parliament for cities, towns, ports, or boroughs, where the right of election is in the whole, or in part, in freemen as aforesaid, immediately after the reading of the act passed in the 2d year of his late majesty's reign, intituled, *An act for the more effectual preventing bribery and corruption in the elections of members to serve in parliament.*

This act not to
extend to Lon-
don or Nor-
wich.

8. And be it further enacted, by the authority aforesaid, that nothing in this act shall extend or be construed to extend, to the cities of London or Norwich.



The Oath to be taken by the Poll Clerks at County Elections.*

I, ——— do swear, that I will, at this present election of a member (or members) to

* No form of oath is given for poll clerks by the stat. 7 & 8. W. 3. c. 23. but Mr. serjeant Heywood, in his County Elections, 267, has inserted one nearly as above.

serve in parliament for the county of _____, truly and indifferently take the poll, and set down the names of each freeholder, and the place of his freehold, and for whom he shall poll; and that I will poll no freeholder who is not sworn or put to his affirmation, if so legally required.

So help me God.

The Oath to be taken by the Poll Clerks at Elections for Cities, Boroughs, &c.

I, _____ do swear, that I will at this present election of a member (or members) to serve in parliament for the city (or borough) of _____, truly and indifferently take the poll, and set down the name of each voter, and his addition, profession, or trade, and the place of his abode, and for whom he shall poll, and I will poll no person who is not sworn or put to his affirmation, if so legally required.

So help me God,

Notice of Disqualification of a Candidate, upon the Ground of his having been guilty of treating and bribery, at a former Election.

WE, A. B. a candidate to represent the borough of M. in the county of Y., in the present parliament, and the burgesses of the said bo-

rough of *M.* whose names are undersigned, do hereby publicly give notice that *C. D.* who now offers himself a candidate to represent the said borough in parliament, was guilty of bribery and corrupt practices, and also of a violation of the statute passed in the seventh year of king William, called, an act for preventing charge and expence in the election of members to serve in parliament at the election of members to serve in parliament for the said borough of *M.* which took place on the eleventh and twelfth days of the month of May now last past, and did, then and there, after the teste of the writ for the election of members to serve in parliament for the said borough, and before the election of members to serve in parliament by virtue of the said writ, give drink, provisions, and entertainments, to divers persons having voices thereat, in order to be elected a member to serve in parliament for the said borough, and is thereby rendered ineligible to serve as a burgess in parliament for the said borough of *M.* upon the present vacancy, and that all votes given for the said *C. D.* at this present election will be thrown away. And we further give notice that the said *C. D.* hath been proved before a committee of the house of commons, which was appointed to try the merits of a petition lately presented by the said *A. B.* complaining of the undue election and return of *C. D.* as one of the members for the said borough of *M.* upon a writ issued on the thirtieth day of April, one thousand eight hundred and seven, to have been guilty of a violation of the statute aforesaid, and of divers acts of bribery and corrupt practices, and of giving drink, provisions, and entertainment, to persons having

voices at the said election after the teste of the writ aforesaid, and before the return of farther public notice that the said *C. D.* is incapable of being elected to serve in the present vacancy for the said borough of *M.*; and that all votes given in favour of the said *C. D.* at this present election of a member to serve in parliament, for the borough of *M.* aforesaid, will, on account of the ineligibility of the said

And therefore we the undersigned do accordingly object and protest against the nomination of the said *C. D.* as a candidate, and against the election and return of the said *C. D.* as a member to represent the said borough of *M.* at the present election. And we do give this members to serve in parliament, under and by virtue of the said writ, in order that he the said *C. D.* might be elected to serve in parliament for the said borough of *M.*

C. D. be of no effect, but entirely thrown away, dated this day of March, 1808*.

A. B.

E. F.

G. H. &c.

The Oath of Allegiance. (1 Geo. 1. stat. 2.
c. 13).

I. *A. B.* do sincerely promise and swear, that I will be faithful, and bear true allegiance to his majesty king George.

So help me God.

* The above notice of disqualification was settled after great consideration by three gentlemen of considerable eminence at the bar.

The Oath of Supremacy. (1 Geo. 1. stat. 2. c. 13).

I. *A. B.* do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical, or spiritual, within this realm.

So help me God.



The Declaration of Fidelity to be taken by Quakers, instead of the Affirmation of the
1 W. 3. stat. 1. c. 18. required by 7 & 8. W. 3. c. 27. (stat. 8 Geo. 1. c. 6. § 1).

I. *A. B.* do solemnly and sincerely promise and declare, that I will be true and faithful to king George; and do solemnly, sincerely, and truly profess, testify, and declare, that I do from my heart abhor, detest, and renounce, as impious and heretical, that wicked doctrine and position, that princes, excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever; and I do declare, that no foreign prince, person, prelate, state, or potentate, hath or ought to have any power, jurisdiction, superiority, pre-eminence

or authority, ecclesiastical or spiritual, within this realm.

The Oath of Abjuration. (stat. 6. Geo. 3.
c. 53).

I. *A. B.* do truly and sincerely acknowledge, profess, testify, and declare, in my conscience, before God and the world, that our sovereign lord king *George* is lawful and rightful king of this realm, and all other his majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe in my conscience, that not any of the descendants of the person who pretended to be prince of *Wales* during the life of the late king *James* the second, and since his decease pretended to be and took upon himself, the style and title of king of England, by the name of *James* the third, or of *Scotland*, by the name of *James* the eighth, or the style and title of king of *Great Britain*, hath any right or title whatsoever, to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to any of them. And I do swear, that I will bear faith and true allegiance to his majesty king *George*, and him will defend to the utmost of my power, against all traiterous conspiracies and attempts whatsoever which shall be made against his person, crown, or dignity. And I will do my utmost endeavour to disclose and make known to his

majesty and his successors, all treasons and traitorous conspiracies which I shall know to be against him or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend the succession of the crown, against the descendants of the said *James*, and against all other persons whatsoever; which succession, by an act, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands limited to the princess *Sophia*, electoress and duchess dowager of *Hanover*, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promise, heartily, willingly, and truly, upon the true faith of a christian.

So help me God.



The Declaration or Affirmation to be made by Quakers instead of the Abjuration Oath under 1 Geo. 1. stat. 2. c. 6. (stat. 8 Geo. 1. c. 6).

I, *A. B.* do solemnly, sincerely, and truly acknowledge, profess, testify, and declare that king *George* is lawful and rightful king of this realm, and of all other his dominions and countries thereunto belonging; and I do solemnly

and sincerely declare, that I do believe, that the person pretended to be prince of *Wales* during the life of the late king *James*, and since his decease pretending to be and taking upon himself the style and title of king of *England* by the name of *James* the third; or of *Scotland* by the name of *James* the eighth, or the style and title of king of *Great Britain*, hath not any right or title whatsoever to the crown of this realm, nor any other the dominions thereunto belonging; and I do renounce and refuse any allegiance or obedience to him. And I do solemnly promise, that I will be true and faithful, and bear true allegiance to king *George*, and to him will be faithful against all, traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown, or dignity. And I will do my best endeavour to disclose and make known to king *George*, and his successors, all treasons and traitorous conspiracies which I shall know to be made against him or any of them. And I will be true and faithful to the succession of the crown, against him the said *James*, and all other persons whatsoever, as the same is and stands settled by an act intituled, *An act declaring the rights and liberties of the subjects, and settling the succession of the crown, to the late queen Anne; and the heirs of her body, being protestants*; and as the same, by one other act, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands settled and entailed, after the decease of the said late queen; and for default of issue of the said late queen, to the late princess *Sophia*, electress and duchess dowager of *Hanover*, and the heirs of her body, being protestants. And all

these things I do plainly and sincerely acknowledge, promise, and declare, according to these express words, by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever: and I do make this recognition, acknowledgment, renunciation, and promise, heartily, willingly, and truly.

The Oath to be taken by Freeholders at Elections for Counties. (stat. 18. Geo. 2. c. 18. § 1.

“ You shall swear, (or being one of the people called *Quakers*, you shall solemnly affirm) that you are a freeholder in the county of _____ and have a freehold estate, consisting of _____ (*specifying the nature of such freehold estate, whether messuage, land, rent, tythe, or what else; and if such freehold estate consists in messuages, lands, or tythes, then specifying in whose occupation the same are; and if in rent, then specifying the names of the owners or possessors of the lands or tenements, out of which such rent is issuing, or of some or one of them*) lying or being at _____ in the county of _____ of the clear yearly value of forty shillings over and above all rents and charges payable out of, or in respect of the same; and that you have been in the actual possession or receipt of the rents and profits thereof, for your own use, above twelve calendar months,

or that the same came to you within the time aforesaid, by descent, marriage, marriage-settlement, devise, or promotion to a benefice in a church, or by promotion to an office; and that such freehold estate has not been granted or made to you fraudulently on purpose to qualify you to give your vote; and that the place of your abode is at in _____ and that you are twenty-one years of age, as you believe, and that you have not been polled before at this election."

The Oath to be taken by Electors for Cities and Towns, being Counties, demanding to vote in respect of a Freehold of 40s. a Year, (stat. 19. Geo. 2. c. 28. § 1.)

You shall swear, (or being a Quaker, you shall solemnly affirm), that you have a freehold estate consisting of (*specifying the nature of such freehold estate, whether messuage, land, rent, tythe, or what else; and if such freehold estate consists in messuages, lands, or tythes, then specifying in whose occupation the same are; and if rent, then specifying the names of the owners or possessors of the lands or tenements, out of which such rent is issuing, or some or one of them*), lying or being in the city and county, or town and county, (as the case may be) of _____ of the clear yearly value of forty shillings over and above all rents and charges payable out of, or in respect of the same; and that you have been in the actual

possession or receipt of the rents and profits thereof for your own use, above twelve calendar months; or that the same came to you within the time aforesaid by descent, marriage, marriage-settlement, devise, or promotion, to a benefice in a church, or by promotion to an office, and that such freehold estate has not been granted or made to you fraudulently on purpose to qualify you to give your vote; and that the place of your abode is at
in and that you are twenty-one years of age, as you believe, and that you have not been polled before at this election.

The Oath to be taken by Electors, where none other than the Bribery Oath, the Oaths of Allegiance, Supremacy, and Abjuration, were before required. (stat. 25. Geo. 3. c. 84. § 5.)

I do swear, (or being a Quaker do affirm)
that my name is A. B. and that I am
*(specifying the addition, pro-
fession, or trade of such person),* and that
the place of my abode is at
in the county of *and if it is a*
town consisting of more streets than one, spe-
cifying what street;) and that I have not be-
fore polled at this election: and that I verily
believe myself to be of the full age of twenty-
one years.

The Oath to be taken by Persons appointed under the stat. 34 Geo. 3. c. 73. § 1. to administer Oaths to Electors.

I do swear, that I will faithfully and impartially administer the oaths of allegiance, supremacy, and abjuration, and the declaration of fidelity, and declaration or affirmation of the effect of the said oath of abjuration to such persons as shall lawfully apply to me in that behalf, in order to qualify themselves to vote at this election; and that I will, on being thereunto requested, fairly and truly give to every such person, or any of them, who shall take such oaths, or subscribe such declaration of fidelity, and make such declaration or affirmation of the effect of the said oath of abjuration, or either of them, before me, a certificate thereof, according to the direction of an act of parliament, made in the thirty-fourth year of the reign of his majesty, king George the third, intituled, *An act for directing the appointment of commissioners to administer certain oaths and declarations, required by law to be taken and made by persons offering to vote at the election of members to serve in parliament*; and that I will not give such certificate to any person before he shall have taken such oath or oaths, or made or subscribed such declaration or declarations, affirmation or affirmations, as shall be mentioned in such certificate before me in my presence.

So help me God.

*Form of a Certificate of taking the Oaths
before a Commissioner, under stat. 34. Geo. 3.
c. 73. § 2.*

*A. B. (naming the person taking the oath)
of (naming the place of such person's abode,
and his addition or occupation) has taken the
oath or oaths of (naming the said oath or
oaths so administered) before me, this
day of*

C. D.



*Form of a Certificate of Quakers subscribing
the Declaration of Fidelity, and affirming
the Effect of the Oath of Abjuration before
a Commissioner, under stat. 34 Geo. 3. c. 73.
§ 2.*

*A. B. (naming the person subscribing or
affirming) of (naming the place of such per-
son's abode, and his addition or occupation)
has made and subscribed the declaration of
fidelity, and affirmed the effect of the oath of
abjuration, (or if only one of those acts has
been done, then naming such one act only)
before me, this day of*

C. D.

The Oath to be taken by Persons appointed under the stat. 42 Geo. 3. c. 62. § 1. to administer Oaths to Electors.

I do swear, that I will faithfully and impartially administer the oaths, and take the declarations and affirmations, now required by law to be taken or made by voters at elections for members to serve in parliament, to and from such persons as shall lawfully apply to me in that behalf, in order to qualify themselves to vote at this election: and that I will on being thereunto requested, fairly and truly give to every such person, or any of them, who shall take such oaths, or make such declarations or affirmations respectively, or any of them, before me, a certificate thereof; and that I will not give such certificate to any person before he shall have taken such oath or oaths, or make such declaration or declarations, affirmation or affirmations respectively, as shall be mentioned in such certificate, before me, and in my presence.

So help me God.

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Return for a County.

THIS indenture, made in the full county of York, holden at the castle of York, in and for the said county, on Wednesday, the

day of in the year of the
reign of our sovereign lord George the third,
&c. ; and in the year of our Lord ;
between A. B. esqr. sheriff, of the said county,
of the one part; and C. D. E. F. &c., and
many other persons of the county aforesaid, and
electors of knights to parliament for the said
county, of the other part; *witnesseth*, that
proclamation being made by the said sheriff, by
virtue of and according to a writ of our sove-
reign lord the king, directed to the said sheriff,
and hereto annexed, for the electing of two
knights, of the most fit and discreet of the said
county, girt with swords, to serve in a certain
parliament, to be holden at the city of West
minster, on the day of next
ensuing: The said parties to these presents, to-
gether with the major part of the electors for
the county aforesaid, present, in the full county
of York, at the castle of York aforesaid, on the
day of the date hereof, by virtue of the said
writ, and according to the force and effect of
divers statutes in that case made and provided,
have in the said full county of York, by unani-
mous assent and consent, freely and indifferently
elected and chosen, two knights of the most fit
and discreet of the said county, girt with swords,
to wit, sir G. S. baronet, and H. D. of &c. esq.
to be knights to the said parliament, so to be
holden at the day and place in that behalf
hereinbefore mentioned, for the commonalty of
the county of York; giving and granting to
the aforesaid knights full and sufficient power
for themselves and the commonalty of the same
county, to do and consent to those things
which, in the said parliament, by the common
council of the kingdom of our said lord the

king (by the blessing of God), shall happen to be ordained upon the affairs in the said writ, specified. *In witness* whereof, the parties to these presents have interchangeably put their hands and seals, the day, year, and place first above written.

A. B.

C. D.

E. F.

&c.

The Writ for the County Palatine of Lancaster, upon its Return by the Sheriff to the Chancellor of the County Palatine, is thus indorsed by him.*

“ The answer of the right honorable S. P.
“ chancellor of the county palatine of L.
“ to this writ.”

By virtue of this writ to me directed and delivered, by another writ under the county palatine of L. within mentioned, and directed to the sheriff of the said county, I commanded the said sheriff, as within I am commanded, which said sheriff, to wit, R. L. esqr. in answer to the said writ saith, that the execution of the said writ appears in certain indentures hereunto annexed.

By the same Chancellor.

* The writs for the cinque ports, are indorsed to the same effect, by the officers to whom they are directed in the first instance, and who ultimately return with the indenture into the crown office.

Return of one Citizen for the City of Westminster

THIS indenture, made in the liberty of W. in the county of M. the day of in the year of the reign, &c.; between sir C. A. knight, and sir M. B. knight, sheriff of the county of M. aforesaid, of the one part; and J. C. esqr. bailiff of the liberty of the dean and chapter of the collegiate church of St. Peter's, W. in the county aforesaid, [sir J. C. baronet, sir R. G. baronet, sir C. D. knight of the most honorable order of the bath, the honorable W. L. G. S. F. R. baronet, the right honorable F. H. commonly called lord viscount D. E. F. and N. H. esqrs., F. F. esqr., sir W. J. baronet, C. B. esqr., I. G. esqr., and many other citizens, burgesses, and inhabitants of the city, town and borough of W.] of the other part, witnesseth, that by virtue of a certain precept directed from the said sheriff to the bailiff, and sewed to this indenture proclamation of the premises in said precept first mentioned, and of the day and place, as in the said precept is directed first being made, the citizens who were present at the said proclamation, have freely and indifferently, according to the form of the statute in that case made and provided, and according to the tenor and effect of the aforesaid precept, and of the writ in the said precept recited, chosen one citizen of the most discreet and sufficient of the city and liberty aforesaid, that is to say the honorable E. C. esqr., to which said E. C. so elected, the aforesaid citizens have given and granted full and

sufficient power for themselves and the commonalty of the city, town, borough, and liberty aforesaid, to do and consent to those things, which at the said parliament by the common council of the said kingdom, with God's assistance shall happen to be ordained upon the affairs in the said precept specified, according to the form and effect of the said precept. In witness whereof, as well the said sheriff as the aforesaid bailiff, [citizens, burgesses, and inhabitants] of the city, town, borough, and liberty aforesaid, to these indentures their seals have interchangeably put the day and year first above mentioned*.

C. A.
M. B.
J. C.
J. C.
&c.

* In some places the indenture of return to the precept has usually been between the sheriff and the returning officer, in others it has been usual for some of the electors also, to join as in that above; where no electors join, those parts of the above form which are within brackets should be omitted.

* The stat. 12 Ric. 2. c. 12.

In what Cases the Lords and Spiritual Persons shall be contributory to the Expences of the Knights of Parliament.

“ITEM, in the right of the levying of the expences of the knights coming to the parliament for the commons of the counties, it is accorded and assented, that the said levying be made, as it hath been used before this time; (2) joining to the same, that if any lord, or any other man, spiritual or temporal, hath purchased any lands or tenements, or other possessions, that were wont to be contributory to such expences before the time of the said purchase, that the said lands, tenements, and possessions, and the tenants of the same be contributory to the said expences, as the said lands, tenements, and possessions, were wont to do before the time of the same purchase.”

* Although the statutes respecting parliamentary wages, are, as far as regards such wages, from change of circumstances, become of no importance, yet, as they occasionally furnish a ground of argument as connected with election subjects, and, as in Wales some rights of election depend in a certain degree upon them, it was thought right to insert them, in addition to which, it may not be useless to draw attention to such parts of the law as are become useless and nugatory, as, while they remain unrepealed, it is always possible that they may become a source of vexation.

• The stat. 23 H. 6. c. 10.

*The Order of levying the Wages of the
Knights of the Parliament.*

“ITEM, whereas, before this time, divers sheriffs, in divers counties of England, by colour of writs to them directed, to levy the wages of the knights of the shires for the time being of the parliament of the king that now is, and of his noble progenitors, have levied more money than hath been due to the said knights, and more than they have delivered, keeping and retaining great part of the money to their own use and profit, to their officers and servants, to the great loss of the common people of the said counties.”
(2) ‘The king, considering the premises, hath ordained, by the authority aforesaid, that the sheriff of every county for the time being, in the next county-court holden in their counties after the delivery of the said writs directed to them, shall make open proclamation, that the coroners, and every chief constable of the peace of the said counties, and the bailiffs of every hundred or wapentake of the same county, and all other which will be at the assessing of the wages of the knights of the

• This statute is mentioned in Mr. Disney’s statutes as having been repealed by the stat. 14. Geo. 3. c. 58. but, upon reference to the latter act that appears not to be the case, nor is the author aware of any other act repealing it.

23 H. 6. c. 10.

The penalty, if the sheriff, &c. levy more money than is assessed.

shires, shall be at the next county there to be holden to assess the said wages of the said knights; (3) and that the sheriff, under-sheriff, coroners, or bailiffs, for the time being, be there at the same time in their proper person, upon pain of forfeiture, to the king, of every of them that maketh default, 40s.; (4) at which time the said sheriff or under-sheriff, in the presence of them that shall come at that time to the same, and of the suitors of the same counties then being there, in the full county, well and duly shall assess every hundred to that assessable by itself, to pay a certain sum for the wages of the knights of the shire, so that the whole sum of all the hundreds do not exceed the sum which shall be due to the said knights. (5) And after that, in the same county, they shall assess, well and lawfully, every village within the said hundreds, which should be there assessable, to a certain sum for the payment of the said wages; so that the whole sum of all the towns within any of the said hundreds do not exceed the sum assessed, upon the hundred of which they be. (6) And that neither the said sheriffs, under-sheriffs, bailiffs, nor any other officer, for the cause aforesaid, shall levy more money of any village than that whercunto they were assessed, in manner and form as they are assessed: (7) and if any do or will assess any hundred or village otherwise than is aforesaid, that they shall forfeit, for every default, to the king, twenty pounds, and to any man which will sue in this case, ten pounds.

Who may prosecute on this act, and by what writ.

§ 2. And that the said sheriffs well and duly shall levy the money so assessed, upon

the aforesaid villages, as speedily as they well may after the said assessing, and the same shall deliver to the said knights, according to the writs thereof to be made, upon the said penalties; (2) and he that will sue in this case, shall be thereunto admitted, and shall have for his action in this case, a *scire facias* against him that offendeth, contrary to this ordinance: (3) and if the defendant, duly warned in the same, make default, or else appear, and be in the same convict, that then the plaintiffs shall recover against them which be so convict, ten pounds, to their own use, over the said twenty pounds, with their treble damages for the costs of their suits.

23 H. 6. c. 10.

The penalty on offenders.

§ 3. And the justices of the king's bench, and of the common pleas, justices of assizes, and gaol-delivery, and justices of the peace in their county, shall have power to inquire, hear and determine of all the said defaults, as well by inquiry at the king's suit as by action at the suit of the parties; (2) and that all such expenses of knights shall not be levied of any other villages, seigniories, or places, but of such whereof it hath been levied before this time.

Knights wages shall be levied only in the accustomed places.

§ 4. And that, in every such writ from henceforth to be made, to levy the wages of the said knights, this act shall be comprehended in the same.

The stat. 27 H. 8. c. 26. § 28.

Concerning the Laws to be used in Wales.

Two knights
for the shire of
Monmouth, and
one burges for
the town.

§ 28. AND it is further enacted, by the authority aforesaid, that for this present parliament, and all other parliaments to be holden and kept for this realm, two knights shall be chosen and elected to the same parliament for the shire of *Monmouth*, and one burges for the borough of *Monmouth*, in like manner, form, and order, as knights and burgesses of the parliament be elected and chosen, in all other shires of this realm of *England*; (2) and that the same knights and burgesses shall have like dignity, pre-eminence and privilege; (3) and shall be allowed such fees, as other knights and burgesses of the parliament have been allowed; (4) and the knights fees to be levied, perceived, received, gathered, and paid, in such manner, form, and order, as such fees be gathered, levied, perceived, received, and paid, in other shires of this realm of *England*; (5) and the burgesses fees to be levied as well within the borough of *Monmouth*, as within all other ancient boroughs within the said shire of *Monmouth*.

Knights and
burgesses for
Wales, and
their fees.

§ 29. And that, for this present parliament, and all other parliaments to be holden and kept for this realm, one knight shall be chosen and elected to the same parliaments for every of the shires of *Brecknock*, *Randor*, *Montgomery*, and *Denbigh*, and for every other shire within the said country or dominion of *Wales*; (2) and for every borough being a shire-town, within the said country or dominion of *Wales*; except the shire-town of the aforesaid county of *Meri-*

oneth, one burghess; (3) and the election to be in like manner, form, and order, as knights and burghesses of the parliament be elected and chosen in other shires of this realm; (4) and that the knights and burghesses, and every of them shall have like dignity, pre-eminence, and privilege, and shall be allowed such fees, as ~~other~~ knights of the parliament have, and be allowed; (5) and the knights fees to be levied and gathered of the commons of the shire that they be elected in; (6) and the burghesses fees to be levied and gathered as well of the boroughs and shire-towns as they be burghesses of, as of all other ancient boroughs within the same shires.”

27 H. 8. c. 26.

The stat. 34 and 35 H. 8. c. 13.

An Act for making of Knights and Burghesses within the County and City of Chester.

“ To the king our sovereign lord, in most
 “ humble wise, shewn unto your excellent ma-
 “ jesty, the inhabitants of your grace’s county
 “ palatine of *Chester*, that where the said
 “ county palatine of *Chester* is and hath been
 “ always hitherto exempt, excluded, and sepa-
 “ rated, out and from your high court of par-
 “ liament to have any knights and burghesses
 “ within the said court; by reason whereof the
 “ said inhabitants have hitherto sustained ma-
 “ nifold disherisons, losses, and damages, as
 “ well in their lands, goods, and bodies, as in
 “ the good, civil, and politic governance and

34 & 35 H. 8.
c. 13.



“ maintenance of the commonwealth of their
 “ said county : (2) and forasmuch as the said
 “ inhabitants have always hitherto been bound
 “ by the acts and statutes made and ordained
 “ by your said highness and your most noble
 “ progenitors, by the authority of the said
 “ court, as far forth as other counties, cities,
 “ and boroughs have been that have had ~~their~~
 “ knights and burgesses within your said court
 “ of parliament, and yet have had neither
 “ knight ne burgess there for the said county
 “ palatine, the said inhabitants, for lack thereof
 “ have been oftentimes touched and grieved
 “ with acts and statutes made within the said
 “ court, as well derogatory unto the most an-
 “ cient jurisdictions, liberties, and privileges
 “ of your said county palatine, as prejudicial
 “ unto the commonwealth, quietness, rest, and
 “ peace of your grace's most bounden subjects
 “ inhabiting within the same:” (3) for remedy
 whereof, may it please your said highness that
 it may be enacted, with the assent of the lords
 spiritual and temporal, and the commons in this
 present parliament assembled, and by the au-
 thority of the same, that from the end of this
 present session, the said county palatine of
Chester shall have two knights for the said
 county palatine, and likewise two citizens to be
 burgesses for the city of *Chester*, to be elected
 and chosen by process to be awarded by the
 chancellor of England, unto the chamberlain
 of *Chester*, his lieutenant or deputy, for the
 time being; (4) and also like process to be made
 by the said chamberlain, his lieutenant or de-
 puty, to the sheriff of the said county of *Ches-*
ter; (5) and the same election to be made under
 the like manner and form, to all intents, con-
 structions, and purposes, as is used within ~~the~~

The county of
 Chester shall
 have two
 knights for
 the shire, and
 the city of
 Chester two
 burgesses for
 the parliament.

county palatine of *Lancaster*, or any other county and city within this realm of England; (6) which said knights and burgesses, and every of them so elected and chosen, shall be returned by the said shèriff into the chancery of England in due form, and upon like pains, as it is ordained that the sheriff or sheriffs of any other county within this realm should make their return in like case; (7) and which said knights and burgesses, and every of them so elected and returned, shall be knights and burgesses of the court of parliament, and have like voice and authority to all intents and purposes, as any other the knights and burgesses of the said court of parliament have, use, and enjoy; (8) and in likewise shall, and may, take all and every such like liberties, advantages, dignities, privileges, wages, fees, and commodities, concerning this said court of parliament, to all intents, constructions, and purposes, as any other the knights and burgesses of the said court shall, may, or ought to have, take, or enjoy.

34 & 35 H. 8.
c. 13.

The stat. 34 and 35 H. 8. c. 26.

An Act for certain Ordinances in the King's Dominion and Principality of Wales.

§ 111. ITEM, 'That the town of *Haverfordwest* shall, after the end of this present parliament, for ever find one burgess for the said town at every parliament after that time to be holden; (2) and the charges of the same burgess to be

34 & 35 H. 8. c. 26. always borne by the mayor, burgesses, and inhabitants of the said town, and none other.

The stat. 35 H. 8. c. 11.

The Bill for Knights and Burgesses in Wales, concerning the Payment of their Fees and Wales.

“ WHERE the knights of all and every shire
 “ of this realm of *England* and *Wales*, and the
 “ burgesses of all cities, towns, and boroughs
 “ of the same be named, elected, and chosen
 “ for their assembly in the king’s high court of
 “ parliament, as by ancient laudable laws and
 “ customs of this realm hath been used and
 “ accustomed, at and by the king’s majesty’s
 “ high commandments, unto the which knights
 “ and burgesses, their fees and wages be as-
 “ signed certainly; that is to say, to every
 “ knight by the day 4s. and to every citizen and
 “ burgess by the day 2s. or more, as heretofore
 “ hath been accustomed, (2) accounting for the
 “ same so many days as the said high court
 “ of parliament endureth, with addition there-
 “ unto of so many days as every such knight
 “ and burgess may reasonably journey and
 “ resort from their habitations or dwelling
 “ places to the said high court of parliament,
 “ and from the said high court to return to
 “ their habitations or dwelling places, together
 “ with their costs of writs, and other ordinary
 “ fees and charges; (3) which wages, fees, and
 “ charges, at all times ought to be levied and
 “ collected by the sheriffs, and by the mayors,

“ bailiffs, and other head officers of and in the
 “ cities, boroughs, and towns aforesaid, wherein
 “ some of the said sheriffs, mayors, and bailiffs,
 “ and other head officers, have been negligent
 “ and laches, not endeavouring themselves in ac-
 “ complishment of their duties in collection and
 “ payment of the same in due form, according to
 “ justice, to the great hurt, injury, and delay of
 “ the king’s said subjects:” (4) Be it therefore
 enacted by the authority of this present par-
 liament, that the sheriffs for the time being, of
 every of the twelve shires in *Wales*, and in the
 county of *Monmouth*, from the beginning of
 this present parliament, shall have full power
 and authority, by force of this act, to gather
 and levy, or cause to be gathered and levied,
 the said knights’ fees and wages, of the inha-
 bitants of the said twelve shires, and of the
 said county of *Monmouth*, which ought to pay
 the same; and the same so gathered shall pay
 or cause to be paid to every such knight or
 knights, or to his or their assigns, within the
 term of two months after that any such knight or
 knights shall deliver, or cause to be delivered,
 the king’s writ *de solutione feodi militis parlia-
 menti*, to any such sheriff; (5) and every such
 sheriff making default of payment of the said
 wages or fees, in manner and form as is afore-
 said, to lose and forfeit £20, whereof the one
 moiety to be to the king’s use, and the other to
 his or their use that will sue for the same in any
 of the king’s courts of record, by information,
 bill or plaint, or otherwise afore any of the
 king’s officers, wherein no essoin protection, or
 wager of law shall be admitted. (6) And if it
 shall happen to* any sheriff, in any of the said
 twelve shires and county of *Monmouth*, to make
 default of payment of the said wages or fees

35 H. 8. c. 21.



The sheriff shall gather the wages of the knights in every county in Wales, and in Monmouth.

And pay the same to such knights within two months after their delivering to them the writ *de solutione*, &c.

On penalty of 20l.

* to is omitted in the quarto printed statutes

35 H. 8. c. 11. by a longer term than two months, then every such sheriff to forfeit for every month that he or they shall make default £20, to be forfeited and levied in manner and form as is aforesaid.

The levying
of the wages of
the burgesses
of parliament.

§ 2. And that every mayor and bailiff, and other head officers of cities, boroughs, and towns in every of the said twelve shires, and in the said county of *Monmouth*, within like term and space of two months after the receipt of the king's majesty's writ *de solutione feod' burgens' parliament*, like as is before mentioned for gathering or levying of the knights' fees, shall levy, gather, and pay the wages and fees to their burgesses in like manner and form as is aforesaid, and in and under like pains and forfeitures, as be before mentioned to be levied of the goods and chattels of every such mayor, bailiff, and other head officer to whom the king's said writ shall be directed for the levying of such fees, making default of payment of the said fees and wages to the burgesses in manner and form as is aforesaid.

Who shall be
choosers of the
burgesses of
parliament in
Wales and
Monmouth.

§ 3. And be it further enacted, by the authority aforesaid, forasmuch as the inhabitants of all cities and boroughs in every the said twelve shires within *Wales*, and in the said county of *Monmouth*, not finding burgesses for the parliament themselves, must bear and pay the burgesses' wages within the shire towns of and in every the said twelve shires in *Wales*, and in the said county of *Monmouth*, that from the beginning of the said parliament the burgesses of all and every of the said cities, boroughs, and towns, which be, and shall be contributory to the payment of the burgesses' wages of the said shire towns, shall be lawfully admonished by procla-

mation, or otherwise, by the mayors, bailiffs, or other head officers of the said towns, or by one of them to come and to give their elections for the electing of the said burgesses at such time and place lawful and reasonable, as shall be assigned for the same intent by the said mayors, bailiffs, and other head officers of the said shire towns, or by one of them; in which elections the burgesses shall have like voice and authority to elect, name, and choose the burgesses of every the said shire towns, like and in such manner as the burgesses of the said shire towns have or use.

35 H. 8. c. 11.

§ 4: Provided always, that two justices of the peace in every of the shires in *Wales*, and in the said county of *Monmouth*, by force of this act, shall have full power and authority indifferently to lot and tax every city, borough, and town within the shires in *Wales*, wherein they do inhabit, and in the said county of *Monmouth*, for the portions and rates that every the said cities and boroughs shall bear and pay towards the said burgesses, within the said shire towns of every of the said shires in *Wales*, and in the county of *Monmouth*; (2) which rates so rated and taxed in gross by the said two justices of peace as is aforesaid, shall be again rated and taxed on the inhabitants of every the said cities and boroughs, by four or six discreet and substantial burgesses of every the said cities and boroughs in *Wales*, thereunto named and assigned by the mayor, bailiffs, or other head officers of the said cities, towns, and boroughs for the time being, and thereupon the mayors, bailiffs, or other head officers of every such city, borough, and town, to collect and gather the same, and thereof to make payment,

Rating of
boroughs and
inhabitants for
the burgesses
wages.

15 H. 8. c. 11. in manner and form as is aforesaid, to the burgesses of the parliament for the time being, within like time, and upon the like pains and forfeitures as is abovementioned.

The stat. 25 Car. 2. c. 9.

An Act to enable the County Palatine of Durham to send Knights and Burgesses to serve in Parliament.


“ WHEREAS the inhabitants of the county
 “ palatine of *Durham*, have not hitherto had
 “ the liberty and privilege of electing and
 “ sending any knights and burgesses to the
 “ high court of parliament, although the inha-
 “ bitants of the said county palatine are liable
 “ to all payments, rates, and subsidies granted
 “ by parliament, equally with the inhabitants
 “ of other counties, cities, and boroughs in this
 “ kingdom who have their knights and bur-
 “ gesses in the parliament, and are therefore
 “ concerned equally with others the inhabitants
 “ of this kingdom, to have knights burgesses
 “ in the said high court of parliament of their
 “ own election, to represent the condition of
 “ their county, as the inhabitants of other
 “ counties, cities, and boroughs of this king-
 “ dom have;” (2) wherefore, may it please
 your majesty, that it may be enacted, and be it
 enacted, by the king’s most excellent majesty,
 by and with the advice and assent of the lords
 spiritual and temporal, and the commons in this
 present parliament assembled, and by the au-

thority of the same, that from time to time, 25 Car. 2. c. 9.
 and at all times from and after the end of this
 present session of parliament, the said county palatine of *Durham* may have two knights for the same county, and the city of *Durham*, two citizens to be burgesses for the same city, for ever hereafter to serve in the high court of parliament; (3) to be elected and chosen by virtue of your majesty's writ, to be awarded by the lord chancellor, or lord keeper of the great seal of England for the time being, in that behalf, to the lord bishop of *Durham*; or his temporal chancellor of the said county of *Durham*, and a precept to be thereupon grounded, and made by the lord bishop of *Durham*, or his temporal chancellor for the time being, to the sheriff of the said county for the time being; (4) and the same election from time to time to be made in manner and form following: that is to say, the election of the knights to serve for the said county palatine from time to time hereafter to be made by the greater number of freeholders of the said county palatine of *Durham*, which from time to time shall be present at such elections, accordingly as is used in other counties in this your majesty's kingdom; (5) and that the election of the said burgesses from time to time to serve in the high court of parliament for the city of *Durham*, to be made from time to time by the major part of the mayor, aldermen, and freemen of the said city of *Durham*, which from time to time shall be present at such elections; (6) which said knights and burgesses, and every of them, so elected or returned, shall be returned by the said sheriff into the chancery of England, in due form, and upon the like pains as be ordained for the sheriff or sheriffs of any other county of this kingdom to

The county palatine of *Durham* to send two knights, and the city of *Durham* to send two burgesses to parliament.

How the elections are to be made.

To be returned by the sheriff.

25 Car. 2. c. 9.  make his or their returns in like cases; (7) and that the said knights and burgesses, and every of them, so elected and returned, shall be by authority of this present act, knights and burgesses of the high court of parliament, to all intents and purposes, and have and use the like voice, authority, and places therein, to all intents and purposes as any other the knights and burgesses of the said high court of parliament, have, use, and enjoy, and likewise shall and may, by virtue of this present act, take, have, use, and enjoy all such and the like liberties, advantages, dignities, and privileges concerning the said court of parliament to all intents, constructions, and purposes, as any other the knights and burgesses of the said high court of parliament have taken, had used or enjoyed, or shall, may, or ought hereafter to have, take, or enjoy.

The stat. 11 Geo. 1. c. 18.

An Act for regulating Elections within the City of London, and for preserving the Peace, good Order and Government of the said City.

“ WHEREAS of late years great controversies
“ and dissentions have arisen in the city of Lon-
“ don, at the elections of citizens to serve in par-
“ liament, and of mayors, aldermen, sheriffs, and
“ other officers of the said city; and many evil-
“ minded persons having no right of voting, have
“ unlawfully intruded themselves into the assem-
“ blies of the citizens and presumed to give their
“ votes at such elections, in manifest violation of
“ the rights and privileges of the citizens, and of
“ the freedom of their elections, and to the dis-
“ turbance of the public peace; and whereas,
“ great numbers of wealthy persons, not free of
“ the said city, do inhabit and carry on the trade
“ of merchandize and other employments within
“ the said city, and refuse or decline to become
“ freemen of the same, by reason of an ancient
“ custom within the said city restraining the
“ freemen of the same from disposing of their
“ personal estates by their last wills and testa-
“ ments; and whereas great dissentions have
“ arisen between the aldermen and commons of
“ the common-council of London, in or con-
“ cerning the making or passing of acts, orders,
“ or ordinances, in common council, which, if
“ not timely settled and determined, may oc-

11 Geo. 1. c.
18.
London.



On all elections by the liverymen, and at the wardmotes, presiding officer to appoint a convenient number of clerks to take the poll, &c.

“ casion great obstructions of the public business and concerns of the said city, and create many expensive controversies and suits at law, and be attended with other dangerous consequences:” now, to the intent that suitable remedies may be provided for preserving the privileges of the city of London, and the freedom of election therein, and for settling the right of such elections, and putting a stop to the aforesaid controversies and dissensions, and the ill consequences of the same, and that a constant supply may be had of able officers, capable of supporting the dignity of, and maintaining good order and government within, that ancient, populous, and loyal city, which is of the greatest consequence to the whole kingdom: Be it enacted, by the king’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that at all times, from and after the first day of June, in the year of our Lord 1725, upon every election of a citizen or citizens to serve for the said city of London, in parliament, and upon all elections of mayors, sheriffs, chamberlains, bridge-masters, auditors of chamberlains and bridge-masters accounts, and all and every other officer and officers to be chosen in and for the said city, by the liverymen thereof, and upon all elections of aldermen and common-councilmen, chosen at the respective wardmotes of the said city, the presiding officer or officers at such elections shall, in case a poll be demanded by any of the candidates, or any two or more of the electors, appoint a convenient number of clerks to take the same, which clerks shall take the said poll in the presence of the

presiding officer or officers, and he sworn by such officer or officers, *truly and indifferently to take the same, and to set down the name of each voter, and his place of residence or abode, and for whom he shall poll, and to poll no person who shall not be sworn, or being a Quaker, shall not affirm according to the direction of this act*; and every person before he is admitted to poll, at any election of any citizen or citizens to serve in parliament, or of any officer or officers usually chosen by the liverymen of the said city as aforesaid, shall take the oath hereinafter mentioned, or being one of the people called *Quakers*, shall solemnly affirm the effect thereof, that is to say,

11 Geo. 1. c.

18.

London.



Clerks to be sworn.

No one to be polled who is not sworn.

“ You do swear, that you are a freeman of London, and a liveryman of the company of _____ and have so been for the space of twelve calendar months; and that the place of your abode is at _____ in _____ and that you have not polled at this election. So help you God.”

Liveryman's oath at elections.

And in case of any election of any alderman, or common-councilman, every person before he is admitted to poll, shall take the oath hereinafter mentioned, or being one of the people called *Quakers*, shall solemnly affirm the effect thereof, that is to say,

“ You do swear, that you are a freeman of London, and an householder in the ward of _____ and have not polled at this election. So help you God.”

Oath at ward-motes

And if any person or persons shall refuse or neglect to take the oaths hereby respectively

On refusal or neglect to swear, poll to be rejected.

11 Geo. 1. c. 18.
 London.
 ~~~~~  
 appointed to be taken, or being a *Quaker*, shall refuse or neglect to make such solemn affirmation as aforesaid, then and in every such case the poll or vote of such person or persons so neglecting or refusing shall be, and the same is hereby declared to be null and void, and as such shall be rejected and disallowed.

The oath 1  
 Geo. 4. to be  
 taken, if re-  
 quired.

1 Geo. 1. stat.  
 2. c. 13.

§ 2. And be it further enacted by the authority aforesaid, that at all times, from and after the said first day of June, in the year of our Lord, 1725, upon every election of such citizen or citizens, officer or officers, by the liverymen of the said city, and upon every election of such officer or officers, at any ward-mote of the said city, as aforesaid, all and every person and persons having a right to vote or poll at such election or elections, shall, before he be admitted to vote or poll thereat, (if required by any of the candidates, or any two or more of the electors) first take the oaths in and by an act made in the first year of his majesty's reign, intituled, *An act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors*, appointed to be taken, or being one of the people called *Quakers*, shall, if required as aforesaid, solemnly affirm the effect thereof; and if any person or persons shall, being required thereunto as aforesaid, refuse or neglect to take the said oaths by the said act appointed to be taken, or to affirm the effect thereof as aforesaid, that then the poll or vote of such person or persons so neglecting or refusing, shall be, and the same is hereby

declared to be, null and void, and as such shall be rejected and disallowed; and the presiding officers at all and every the respective elections aforesaid, and such sworn clerks as shall be by them appointed, are hereby respectively authorized and empowered to administer the above-mentioned oaths and affirmations; and if any such presiding officer or officers, sworn clerk or clerks, shall neglect or refuse so to do, or shall otherwise offend in the premises, contrary to the true intent and meaning of this act, every such officer and sworn clerk shall, for every such offence, forfeit the sum of sixty pounds, of lawful money of *Great Britain*, besides costs of suit.

11 Geo. 1. c.  
18.  
London.

Presiding officer and sworn clerk to administer the oaths.

Officers neglecting or refusing, &c. to forfeit 60l.

§ 3. And it is hereby further enacted, that if any person or persons shall wilfully, falsely, and corruptly, take the said oaths or affirmations set forth and appointed in and by this act, or either of them, and be thereof lawfully convicted by indictment or information, or if any person or persons shall corruptly procure, or suborn any other person to take the said oaths or affirmations, or either of them, whereby he shall wilfully and falsely take the said oaths or affirmations, or either of them, and the person so procuring or suborning, shall be thereof convicted by indictment or information; every person so offending, shall, for every such offence, incur and suffer such penalties, forfeitures, and disabilities, as persons convicted of wilful and corrupt perjury, at the common law, are liable unto.

Penalty on falsely taking the oath, or suborning.

§ 4. “ And to the intent that the poll at every  
“ such election may be expeditiously and duly  
“ taken,” Be it further enacted, by the authority

presiding officer, how to act if a poll be demanded.



11 Geo. 1. c.

18.  
London.When the poll  
to begin and  
when to be  
finished, &c.Regulations as  
to poll books.If a scrutiny be  
demanded,  
scrutineers not  
to exceed six  
on each side,  
to be named by  
candidates.

aforesaid, that if a poll shall be demanded at any of the elections before-mentioned, after the said first day of June, in the year of our Lord 1725, the presiding officer or officers at such elections shall begin such poll the day the same shall be demanded, or the next day following at the farthest, unless the same shall happen on a *Sunday*, and then on the next day after, and shall duly and orderly proceed thereon from day to day, (*Sundays* excepted) until such poll be finished, and shall finish the poll at elections, by the liverymen, within seven days, exclusive of *Sundays*, and the poll at the ward-motes within three days, exclusive of *Sunday*, after the commencing the same respectively, and shall, upon adjourning the poll on each day at all and every the elections aforesaid, seal up the poll-books with the seals, and in the presence of such of the respective candidates or persons deputed by them as shall desire the same, and the said poll-books shall not be opened again, but at the time and place of meeting, in pursuance of such adjournment; and after the said poll is finished, the said poll-books being sealed as aforesaid, shall within two days after, be publicly opened at the place of election, and be duly and truly cast up, and within two days after such casting up, the numbers of the votes or polls for each candidate shall be truly, fairly, and publicly declared to the electors at the place of election, by the officer or officers presiding at such election; and if a scrutiny shall, upon such declaration made, be lawfully demanded, the same shall be granted and proceeded upon, and the respective candidates shall immediately nominate to the presiding officer, or officers at such elections, any number of persons qualified to vote at such

election, not exceeding six, to be scrutineers for and on behalf of the candidate or candidates on each side, to whom the presiding officer or officers at such election, shall, within six days next after such scrutiny shall be demanded, upon request and at the charge of the candidate or candidates, or any of the scrutineers on his or their behalfs, deliver, or cause to be delivered to him or them, a true copy, signed by such officer or officers of the poll taken at such election; and all and every the scrutinies, to be had or taken upon any election to be made by the liverymen of the said city, shall begin within ten days after the delivery of the copies of the said polls, and be proceeded on day by day, (*Sundays* excepted) and shall be finished within fifteen days after the commencement of such scrutiny: and thereupon the presiding officer or officers, shall, within four days after the finishing such scrutiny, publicly declare at the place of such election, which of the candidates is or are duly elected, and the number of legal votes, for each candidate, appearing to him or them upon such scrutiny: and on the election of any officer or officers at the respective wardmotes of the said city, if a scrutiny be demanded, the candidates or scrutineers nominated on their behalf respectively, shall, within ten days next after the receipt of the copy or copies of the polls taken at such election, deliver or cause to be delivered to the presiding officer or officers, the names in writing, of the several persons who have polled in the said election, against whose votes they shall object, with the particular objections against each respective name; and the presiding officer or officers, shall thereupon, within three days then next following, at the request and charges

11 Geo. 1. c.  
18.  
London.

Copies of poll  
to be delivered  
on request, &c.

Scrutinies  
when to begin,  
and when  
finished, on  
election by  
liverymen.

Scrutinies on  
elections at  
wardmotes.

List of votes  
objected to,  
with the ob-  
jections, to be  
delivered to  
presiding  
officer.

11 Geo. 1. c.  
18.  
London.

Who is to give  
true copies of  
the same, on re-  
quest of can-  
didates.

Penalty 200*l*.  
with costs.

A true list to  
be given of the  
voters disal-  
lowed.

Proviso  
such list not  
evidence.

of any candidate or candidates, or the scr-  
utineers named on his or their behalf, deliver or  
cause to be delivered to him or them, one or  
more true copy or copies (signed as aforesaid)  
of the paper containing such names and objec-  
tions as aforesaid; and the said presiding officer  
or officers, within ten days then next following,  
(exclusive of *Sundays*,) after having fully  
heard such of the said candidates as shall de-  
sire the same, or some person appointed by him  
or them touching such objections, shall, at or  
in the place of election, openly and publicly de-  
clare which of the said candidates is or are duly  
elected, and the number of legal votes for each  
candidate appearing to him or them upon such  
scrutiny; and if the said presiding officer or  
officers, or any other person or persons shall  
offend in the premises, every such offender  
shall forfeit for every such offence, the sum  
of two hundred pounds of lawful money of  
*Great Britain*, with full costs of suit, over  
and above all other penalties and forfeitures in-  
flicted by any other act or acts of parliament.

§ 5. And be it further enacted, by the au-  
thority aforesaid, that after any election made  
and scrutiny taken, as hereinbefore provided  
and directed, the presiding officer or officers at  
such election and scrutiny, shall deliver, under  
his or their hand or hands, a true list of the  
voters by him or them disallowed upon such  
scrutiny, to any of the candidates who shall,  
upon the final declaration of the election as  
aforesaid, demand the same within six days  
after such demand made, such candidate paying  
for the same: Provided always, that no such  
list as is hereby directed to be given, nor any  
thing therein contained, shall be admitted to

be given in evidence on any action or occasion whatsoever. 11 Geo. 1. c. 18.

London.

§ 6. And be it further enacted, by the authority aforesaid, that the mayor of the city of London for the time being, upon request to him made by any candidate or candidates, his or their agent or agents, at any election of a citizen or citizens to serve in parliament for the said city, or of a mayor or any other officer or officers to be chosen by the liverymen thereof, where a scrutiny is demanded and granted, shall issue his precepts, as has been usual, requiring the masters and wardens of the livery-companies of the said city respectively, to cause their clerks forthwith to return to him two true lists of all the liverymen of their respective companies; and the said clerks shall return such their respective lists upon oath within three days after the receipt of any such precepts, one of which lists so returned, the said mayor shall, and he is hereby required forthwith to deliver, or cause to be delivered, to the candidate or candidates on each side at such election, or to his or their agent or agents respectively.

At elections by liverymen, mayor to issue precepts to the companies to bring in lists.

§ 14. And it is hereby further enacted, that no person or persons whatsoever, shall, from and after the said first day of June, 1725, have any right or title to vote at any election of a citizen or citizens to serve in parliament for the said city, or of any mayor or other officer or officers to be chosen by the liverymen thereof, who have not been upon the livery by the space of twelve calendar months before such election, and who shall not have paid their respective livery-fines, or who having paid the same, shall have received such fines back again in part or

Persons excluded from voting who, have not been on the livery a twelvemonth, or have not paid their fines or have received them back, &c.

11 Geo. 1. c.  
18.  
London.

Or who on  
their own re-  
quest have  
within two  
years, been  
discharged  
from payment  
of taxes or  
have received  
alms.

in all, or shall have had any allowance in re-  
spect thereof; and no person or persons whatso-  
ever shall have any right to vote at any election  
of a citizen or citizens to serve in parliament,  
or of any mayor, alderman, or other officer or  
officers of or for the said city, or any the wards or  
precincts thereof, who have, at any time within  
the space of two years next before such election  
or elections, requested to be, and accordingly  
have been, discharged from paying to the rates  
and taxes, to which the citizens of *London* in-  
habiting therein, are or shall be liable as afore-  
said, or any of them, or who have, within the  
time aforesaid, had or received any alms what-  
soever; and the vote of every such person shall  
be void.

Forfeitures  
how to be dis-  
tributed.

§ 20. And be it further enacted, by the au-  
thority aforesaid, that all and every the for-  
feitures hereby enacted or inflicted, shall be  
distributed in the manner following, that is to  
say, ~~one~~ third part thereof to the king's most  
excellent majesty; one other third part thereof  
to the chamberlain of the said city, to the use  
of the mayor, commonalty, and citizens of the  
said city; and the remaining third part thereof  
to him or them that will sue for the same within  
six calendar months next after the same shall  
be incurred; to be recovered by action of debt,  
bill, plaint, or information, in any of his ma-  
jesty's courts of record at *Westminster*; where-  
in no essoin, privilege, protection, or wager of  
law, shall be allowed, nor any more than one  
imparlance.

Public act.

§ 21. And be it further enacted, by the au-  
thority aforesaid, that this act shall in all courts  
and places be deemed and taken to be a public

act, and shall be judicially taken notice of as such by all judges, justices, and courts whatsoever, without specially pleading the same.

11 Geo. 1.  
c. 18.  
London.

The Stat. 3 Geo. 2. c. 8.

*An Act for the better regulating Elections in the City of Norwich, and for preserving the Peace, good Order, and Government of the said City.*

“ WHEREAS many unhappy controversies and  
“ dissensions have of late years arisen in the  
“ city of *Norwich*, at the elections of citizens  
“ to serve in parliament, and also of mayors,  
“ sheriffs, aldermen, and common-councilmen  
“ of and for the said city, touching the legality  
“ and validity of the votes of many persons  
“ who in such elections have offered to vote;  
“ and whereas, the time appointed by the  
“ charters of the said city is not sufficient to  
“ elect so great a number of common-council-  
“ men for each great ward, as are thereby  
“ yearly directed to be chosen when such elec-  
“ tions happen to be controverted: and whereas,  
“ great differences and dissensions have arisen  
“ between the mayor, sheriffs, and aldermen,  
“ and the commons of the common-council of  
“ the said city, in or concerning the making or  
“ passing of acts, orders, or ordinances, in  
“ common-council, or assembly of the repre-  
“ sentative body of the said city, which have  
“ often obstructed the public business and con-  
“ cerns thereof.” Now, to the intent that a

3 Geo. 2. c. 8  
Norwich.

stop may be put to all such controversies and dissensions as aforesaid, touching the legality of voters, that the number of common-councilmen may be yearly elected, and that the public business of the said city may not be obstructed, Be it enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that, from and after the twenty-fifth day of *April*, one thousand seven hundred and thirty, every person, before he is admitted to poll as a freeman at any election of a citizen or citizens to serve for the said city of *Norwich* in parliament, shall take the oath herein first after mentioned, or, being one of the people called *Quakers*, solemnly affirm the effect thereof; that is to say,

Freemens oath  
at elections of  
parliament.

“ You do swear that you are, and for twelve calendar months, have been admitted a freeman of the city of *Norwich*, and that you have not been before polled at this election, or (*in case of an election for two citizens*) but for one person.

“ So help you God.”

Refusing to  
swear, the vote  
or poll disal-  
lowed.

And if any person or persons shall refuse or neglect to take the oaths hereby respectively appointed to be taken, or being a *Quaker*, shall refuse to make such solemn affirmations as aforesaid, (which oaths or affirmations, the mayor for the time being, or his deputy, or such sworn clerks as shall by him or his deputy be appointed, are hereby authorized to administer), then, and in every such case, the poll or vote of such person or persons so neglecting or re-

fusing, shall be, and the same is hereby declared to be, null and void, and as such shall be rejected and disallowed.

3 Geo. 2. c. 1  
Norwich.

And be it enacted, by the authority aforesaid, that in every election which shall be for a citizen or citizens to serve for the said city of *Norwich* in parliament, or for a mayor, sheriff, alderman, or common-councilman of the said city, one of the checks, a swearer, and a clerk belonging or appertaining to the poll-book of any candidate or candidates at such election, shall be admitted to go into the common gaol or any other prison of the said city, to take the votes of such freemen confined therein for debt, as shall have a right to vote at such election, and the sheriffs, gaoler, or prison-keepers for the time being, are hereby required to admit such check, swearer, and clerk, to go into the said common gaol and other prisons, and to take the votes of such prisoners as aforesaid, upon the penalty of fifty pounds of lawful money ~~in~~ *Great Britain*, upon every refusal to admit such check, swearer, and clerk, as aforesaid.

One of the checks, &c. may go into the prisons to take the votes there.

And be it hereby further enacted, that if any person or persons shall wilfully, falsely, and corruptly, take the said oaths or affirmations set forth and appointed to be taken in and by this act, or any of them, and be thereof lawfully convicted by indictment or information, every person so offending, shall, for every such offence, incur and suffer such penalties, forfeitures, and disabilities, as persons convicted of wilful and corrupt perjury at the common law are liable unto.

Punishment for perjury.



The Stat. 11 Geo. 3. c. 55.


(To be read at Elections for New Shoreham).

*An Act to incapacitate John Burnett (and others therein mentioned), from voting at Elections of Members to serve in Parliament, and for the preventing Bribery and Corruption in the Election of Members to serve in Parliament for the Borough of New Shoreham, in the County of Sussex.*

Preamble.

WHEREAS, a wicked and corrupt society, calling itself the christian society, hath for several years subsisted in the borough of *New Shoreham*, in the county of *Sussex*, and consisted of a great majority of persons having a right to vote at elections of members to serve in parliament for the said borough; and whereas, it appears that the chief end of the institution of the said society, was for the purpose of selling, from time to time, the seat or seats in parliament for the said borough; and whereas, *John Burnett, &c. &c. &c.* were members of the said society: in order therefore to prevent such unlawful practices for the future, and that the said borough from henceforth be duly represented in parliament; Be it enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that the said *John Burnett, Charles Hannington, Thomas Haselgrove, Ralph Moor, Thomas Parsons, Thomas Snook, jun. Thomas Hannington, John Hannington, John*

11 Geo. 3.  
c. 55.  
New Shore-  
ham.



*Robinson, William Cheesman, George Brown, John Parsons, John Curl, Frederick Dean, William Dean, Samuel Tuppen, John Sawyers, Thomas Crowter, Thomas Pockney, Joseph Dedman, John Dean, John Whiting, William Stevens, John Bawcomb, Robert Parker, John Hogsflesh, John Purse, John Dean, Thomas Jennings, John Snook, jun. Richard Tilstone, William Turner, Walter Sawyers, Charles Mitchell, John Jarmand, John Wood, Friend Daniel, William Gratwick, Nathaniel Hillman, Thomas Roberts, John Ashman, William Cooter, Thomas Frost, Michael Smith, Richard Carver, Michael Durrant, Emery Churcher, Walter Broad, Richard Stoneham, James Bennet, Clement Freeman, William Jupp, Thomas Crowter, John Barnard, James Mitchell, James Millar, otherwise Miller, William Newnham, Jeffery Carver, Randall Button, James Carver, John Martin, John Dedman, sen. William Jennings, William Hards, Thomas Gear, William Rusbridge, Henry Robinson, and Henry Hannington,* shall be, and, by virtue of this act, are from henceforth incapacitated and disabled from giving any vote at any election for the choosing a member or members to serve in parliament.

§ 2. And be it further enacted, by the authority aforesaid, that from henceforth it shall and may be lawful to and for every freeholder, being above the age of one and twenty years, who shall have within the *Rape of Bramber*, in the said county of *Susser*, a freehold of the clear yearly value of forty shillings, to give his vote at every election of a burgess or burgesses to serve in parliament, for the said borough of *New Shoreham*.

Freeholders  
above 21 years  
of age, of 40s.  
annually, in-  
titled to vote.

11 Geo. 3. c. 55.  
New Shore-  
ham.

Right of elec-  
tion, in whom  
vested.

§ 3. And be it further enacted, by the au-  
thority aforesaid, that the right of election of  
a member or members to serve in parliament,  
for the said borough of *New Shoreham*, shall  
be and is hereby declared to be in such free-  
holders as aforesaid, and in the persons who by  
the custom and usage of the said borough have,  
or shall hereafter have a right to vote at such  
election, those whose names are mentioned  
herein, and incapacitated and disabled by this  
act only excepted; and the constable or other  
proper officer for the time being, to whom the  
return of such writ or precept does belong, is  
hereby required to return the person or persons,  
to serve in parliament for the said borough,  
who shall have the major number of votes of  
such freeholders, and other persons having a  
right to vote at such election, (except such  
persons as are hereinbefore excepted) any law  
or usage to the contrary notwithstanding.

Freeholders,  
before admit-  
ted to poll, to  
take the fol-  
lowing

§ 4. And be it further enacted, by the au-  
thority aforesaid, that every such freeholder,  
before he is admitted to poll at any election for  
the said borough, shall, if required by the can-  
didates, or any of them, or any other person  
having a right to vote at the said election, first  
take the oath, (or, being one of the people  
called *Quakers*, the solemn affirmation) fol-  
lowing, viz.

oath.

“ You shall swear, or, being a *Quaker*, so-  
“ lemnly affirm, that you are a freeholder in the  
“ *Rape of Bramber*, in the county of *Sussex*,  
“ and have a freehold estate, consisting of  
“ (specifying the  
“ nature thereof, and if it consists in mes-  
“ suages, lands, or tithes, in whose occupation

11 Geo. J. c. 55  
New Shore-  
ham.

**Persons guilty  
of perjury, &c.  
liable to the  
penalties as di-  
rected by**

11 Geo. 3. c. 55. ties as are inflicted on persons guilty of perjury,  
 New Shore- or subornation of perjury, in and by two acts  
 ham. of parliament, one made in the fifth year of the  
 Act Eliz. c. 9. reign of queen *Elizabeth*, (intituled, *An act  
 for punishing such persons as shall procure,  
 or commit wilful perjury, or suborn, or pro-  
 cure any person to commit any wilful or cor-  
 rupt perjury;*) and the other made in the  
 and act 2 Geo. second year of his late majesty's reign, (inti-  
 2. c. 25. tuled, *An act for the more effectual pre-  
 venting and further punishment of forgery,  
 perjury, and subornation of perjury, and to  
 make it felony to steal bonds, notes, or other  
 securities for payment of money*), contrary to  
 the said acts.

Constable to  
 back a precept  
 the day of the  
 receipt thereof.

and forthwith  
 to give notice  
 of election.

election when  
 to be.

The act to be  
 read publicly.

§ 5. And be it further enacted, by the au-  
 thority aforesaid, that such constable, or other  
 proper officer, to whom any writ or precept  
 shall be directed for making any election for  
 the said borough, shall, upon the reception of  
 such writ or precept, indorse upon the back  
 thereof the day of his receipt thereof, in the  
 presence of the party from whom he received  
 such precept; and shall forthwith cause public  
 notice to be given within the said borough of  
*New Shoreham*, and at the towns of *Bramber*,  
 and *Steyning*, in the said county of *Sussex*,  
 by fixing up a notice thereof in writing on  
 the market houses, or on the doors of the  
 churches of the said towns, of the day of elec-  
 tion; and shall proceed to election thereupon,  
 within the space of twelve days, and not less  
 than eight days, next after his receipt of the  
 same precept.

§ 6. And be it further enacted, by the au-  
 thority aforesaid, that this act shall be publicly

read at every election for the said borough of *New Shoreham*, immediately after the acts directed by any act of parliament to be read thereat, and before the persons present, shall proceed to make such election.

11 Geo. 3. c. 55.  
New Shore-  
ham.

The Stat. 21 Geo. 3. c. 54. (Coventry).

*An Act for the better regulating Elections of Citizens to serve in Parliament for the City of Coventry.*

WHEREAS the right of election of citizens to serve in parliament for the city of *Coventry*, is, by the last determination of the house of commons, of the twentieth day of November, 1722, declared to be in such freemen as have served seven years apprenticeship to one and the same trade in the said city, or the suburbs thereof, and do not receive alms or weekly charity, such freemen being duly sworn and inrolled; and whereas, great frauds and abuses were committed, in clandestinely admitting persons having no such right to the freedom of the city of *Coventry*, during the last election of members to serve in parliament for the said city, in order to influence the said election, to the great infringement of the rights of the true electors of the said city, and in violation of the freedom of elections; to prevent such practices for the future, Be it enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, Preamble.

21 Geo. 3. c. 54.  
Coventry.

An open council to be held at St. Mary's Hall, on the first and last Tuesday in every month.

that, from and after the passing of this act, an open council shall be held at *St. Mary's Hall*, in the said city, on the first and last *Tuesday* in every calendar month, for the purpose, on the first *Tuesday* in each month, of receiving and proclaiming aloud the names of every person or persons who shall then present, or cause to be presented, an account, in writing, of the particulars of his or their claim to the freedom of the said city, and for the purpose, on the last *Tuesday* in each month, of admitting to the freedom of the said city, such person or persons as shall then appear and claim to be so admitted, he or they first verifying, upon oath the particulars of his or their claim, delivered in at the preceding council; and that the council which shall be holden on the first *Tuesday* in each month, shall assemble at ten in the morning, and continue open a convenient time, for receiving such claims as shall then be preferred; and the council which shall be holden on the last *Tuesday* in each month shall continue open from the hour of ten in the morning till three o'clock in the afternoon of the same day, or for such shorter time as shall be found sufficient for hearing and determining any claims which shall then have been preferred; and if any such claims shall then remain unheard or undetermined, the said council shall be adjourned from day to day, and continue open on each day in manner aforesaid, for hearing and determining such claims.

Limitation of the expence of taking up a freedom.

§ 2. And be it further enacted, by the authority aforesaid, that, from and after the passing of this act, no greater fee than three shillings, over and above the expence of the necessary stamps, shall be demanded or taken

of any person or persons who shall be so admitted to his or their freedom at any such council.

21 Geo. 3. c. 34.  
Coventry.

§ 3. And be it further enacted, by the authority aforesaid, that no person shall be admitted to the freedom of the said city, at any council to be held for that purpose, who shall not produce evidence of regular indentures or deeds of apprenticeship for seven years, as required by the resolution aforesaid, and who shall not also declare upon oath the name or names of his master or masters, the trade to which he served under him or them, the place of his or their residence during the time he served, and of his own residence at the time of his claiming to be admitted to the freedom of the said city; and that it shall be lawful for such persons so claiming their freedom as aforesaid, to come to such council attended with their agents, who shall be present at their admission, if they so required it; and such council are hereby authorized and required to administer such oath as aforesaid.

Particulars to  
be observed by  
those who take  
it up.

§ 4. And be it further enacted, by the authority aforesaid, that the town clerk shall enter all the above particulars in the admission-book under the name of each person who is admitted to the freedom of the said city; and that the said town-clerk, and the mayor and each of the members composing the council at which such freemen shall be admitted, shall openly subscribe their names to the said entries.

Town-clerk to  
enter the above  
particulars in  
a book.

§ 5. And be it further enacted, by the authority aforesaid, that lists of the names of all persons claiming to be admitted freemen, and

Lists of the  
names of all the  
freemen, &c.  
admitted to be



21 Geo. 3. c. 54.  
Coventry.

pasted on the  
church doors.

Councils not to  
be held during  
a certain time  
specified.

Electors to be  
sworn, if re-  
quired.

The oath.

of all the freemen admitted at any council, to be held in the manner aforesaid, shall be made out in writing, and signed by the town-clerk, and be pasted or fixed upon the doors of all the churches in *Coventry*, within twenty-four hours after the holding of such council.

§ 6. And be it further enacted, by the authority aforesaid, that no council shall be held for receiving claims of persons claiming to be admitted to the freedom of the said city after the day on which notice shall be given by the sheriff or sheriffs, according to the statute, of any election for a member or members to serve in parliament for the said city, till after the final close of every such election.

§ 7. And be it further enacted, by the authority aforesaid, that, at every election of members to serve in parliament for the said city, every person who shall come to poll at such election, shall, if required by any candidate at such election, or by any two or more persons having a right to vote at such elections, previous to his being permitted to poll, take the following oath, or, being one of the persons called *Quakers* shall solemnly affirm the effect thereof, (that is to say)

“ You do swear, that your name is *A. B.* and  
“ that you have been admitted to the freedom of  
“ the city of *Coventry*, under indentures, or  
“ deeds of apprenticeship, and that you have  
“ served seven years apprenticeship to one and  
“ the same trade in the said city, or the suburbs  
“ thereof; and that you are of the age of twenty-  
“ one years, or upwards; and have not been  
“ polled before at this election.

“ So help you God.”

Which oath, the returning officer or officers, or his deputy, is hereby empowered to administer.

21 Geo. 3. c. 54.  
Coventry.

§ 8. And be it further enacted, by the authority aforesaid, that all persons who shall be guilty of wilful and corrupt perjury, in consequence of any oath which they shall have taken by the direction of this act, shall, on conviction thereof, incur and suffer the like pains and penalties to which any other person, convicted of wilful and corrupt perjury, is liable, by the laws and statutes of this realm.

Penalty on persons guilty of perjury.

§ 9. And be it further enacted, by the authority aforesaid, that if the returning officer or officers, at any election of a member or members to serve in parliament for the said city, shall wilfully admit any person to poll at such election without his having first taken the above-mentioned oath, if required so to do, in manner aforesaid, the said returning officer or officers shall, for every such offence, forfeit and pay the sum of one hundred pounds to him, her, or them, who shall sue for the same.

Penalty on returning officer for admitting persons to poll without being sworn.

§ 10. And be it further enacted, by the authority aforesaid, that if the Mayor, and the other members, composing any council to be held for the purpose of proclaiming the persons presenting accounts of their claim to the freedom of the said city, or for the purpose of admitting such persons to the freedom of the said city, shall refuse to proclaim, or to admit such person or persons as shall come and prove their titles according to the provisions of this act, they shall, for every such offence, forfeit and pay the sum of one hundred pounds.

And on members of the council for refusing to admit electors, &c.

21 Geo. 3. c. 54.  
Coventry.

Proviso.

§ 11. Provided always, that if any doubts shall arise as to the legality of the titles so sworn to, it shall and may be lawful for the said council to hear witnesses, ~~and~~ admit evidence to disprove the same.

Penalty on  
town clerk for  
making frau-  
dulent entries,  
&c.

§ 12. And be it further enacted, by the authority aforesaid, that if the town clerk shall neglect to make the proper entries, or shall make any false and fraudulent entries in the admission book, or if he shall neglect to make out and sign the lists of the freemen admitted, and cause them to be pasted or fixed on the doors of the churches in manner herein before directed, or if he shall make out, sign, or cause to be pasted or fixed on the doors of the churches as aforesaid, any false and fraudulent list, he shall, for every such offence, forfeit the ~~sum~~ of ten pounds.

To what free-  
men this act  
shall extend.

§ 13. Provided also, and it is hereby enacted and declared, that this act shall not extend, nor be construed to extend, to any freemen of the said city, but such as have a right to vote in the election of members to serve in parliament for the said city.

Election booth,  
where to be  
erected.

§ 14. And ~~be it~~ further enacted, that the returning officer or officers shall, at all future elections of citizens to serve in parliament for the said city, cause the booth for holding such election to be erected in the widest and the most convenient part of the open market-place called *Cross-cheaping*, not contiguous to any other building.

Penalties how  
to be recover-  
ed.

§ 15. And be it further enacted, by the authority aforesaid, that all penalties laid or im-

posed by this act shall be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

21 Geo. 3. c. 54.  
Coventry.

§ 16. Provided always, and it is hereby further enacted and declared by the authority aforesaid, that no person shall be liable to any penalty by this act laid or imposed, unless prosecution be commenced within one year after such penalty shall be incurred.

Limitation of actions.

§ 17. And it is further enacted, by the authority aforesaid, that this act shall be deemed, adjudged, and taken to be a public act, and be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

Public act.

§ 18. And be it further enacted, by the authority aforesaid, that the dates of all deeds or indentures of apprenticeship, together with the names of the parties, and their places of abode, which, from and after the passing of this act, shall be made and executed between any person or persons residing in the said city of *Coventry*, or the suburbs thereof, and his, her, or their apprentice or apprentices, under which such apprentice or apprentices may hereafter have a right to be admitted to the freedom of the said city, shall be registered in a book to be kept for that purpose by the town clerk of the same city for the time being, within the space of six calendar months next after the execution thereof; which the said town clerk is hereby required to register, and on such deeds or indentures to

Deeds or indentures of apprenticeship, &c. shall be registered by the town clerk.

21 Geo. 3 c. 54.  
Coventry.

indorse a certificate of such register; and in default thereof, such deeds or indentures shall, to all intents and purposes, be null and void.

### The Stat. 22 Geo. 3. c. 31.

(To be read at Elections for Cricklade).

*An Act for the preventing of Bribery and Corruption in the Election of Members to serve in Parliament for the Borough of Cricklade, in the County of Wilts.*

#### Preamble.

“ WHEREAS there was the most notorious bribery and corruption at the last election of burgesses to serve in parliament for the borough of *Cricklade*, in the county of *Wilts*; and whereas such bribery and corruption is likely to continue, and be practised in the said borough in future, unless some means are taken to prevent the same; in order, therefore, to prevent such unlawful practices for the future, and that the said borough may from henceforth be duly represented in parliament,” Be it enacted, by the king’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from henceforth it shall and may be lawful to and for every freeholder, being above the age of twenty-one years, who shall have, within the hundreds or divisions of *Highworth, Cricklade, Staple, Kingsbridge*,

Certain freeholders intitled to vote for the borough of Cricklade.

and *Malmsbury*, or one or more of them, in the county of *Wilts*, a freehold of the clear yearly value of forty shillings, to give his vote at every election of a burgess or burgesses to serve in parliament for the said borough of *Cricklade*. 22 Geo. 3. c. 31.  
*Cricklade*.

§ 2. And be it further enacted, by the authority aforesaid, that the right of election of a member or members to serve in parliament for the said borough of *Cricklade*, shall be, and is hereby declared to be, in such freeholders as aforesaid, and in the persons who, by the custom and usage of the said borough, have, or shall hereafter have, a right to vote at such election; and the proper officer for the time being, to whom the return of every writ or process does belong, is hereby required to return the person or persons to serve in parliament for the said borough who shall have the major number of votes of such freeholders, and other persons having a right to vote at such elections, any law or usage to the contrary notwithstanding. Right of election to be in such freeholders, and in customary voters.

§ 3. Provided always, that such freeholders only shall be entitled to vote as shall be duly qualified to vote at elections for knights of the shire for the said county of *Wilts*, according to the laws now in being for regulating county elections. No freeholders to vote but such as are qualified to be county voters.

§ 4. And be it further enacted, by the authority aforesaid, that every such freeholder, before he is admitted to poll at any election for the said borough, shall, if required by the candidates, or any of them, or any other person having a right to vote at the said election, first take the oath, or, being one of the people

Freeholders to be sworn.

33 Geo. 3. c. 31. *called Quakers*, the solemn affirmation following, viz.

Oath, or affirmation.

“ I do swear, (*or, being a Quaker, solemnly*  
 “ affirm) that I am a freeholder in the hun-  
 “ dreds or divisions of *Highworth, Cricklade,*  
 “ *Staple, Malmesbury, and Kingsbridge,* or  
 “ any one or more of them, in the county of  
 “ *Wilts,* and have a freehold estate, consisting  
 “ of ——— (*specifying the nature thereof;*  
 “ *and if it consists in messuages, lands, tene-*  
 “ *ments, or tithes, in whose occupation the*  
 “ *same are; and, if in rent, the names of the*  
 “ *owners or possessors of the tenements out*  
 “ *of which such rent is issuing, or some of*  
 “ *them*), situate, lying, or being at ———  
 “ in the aforesaid hundreds or divisions, or in  
 “ one or more of them, of the clear yearly  
 “ value of forty shillings, over and above all  
 “ rents and charges payable out of or in respect  
 “ of the same; and that I have been in the ac-  
 “ tual possession or receipt of the rents and  
 “ profits thereof, for my own use, above twelve  
 “ calendar months, (*or, that the same came to*  
 “ *me within the time aforesaid, by descent,*  
 “ *marriage, marriage-settlement, devise, or*  
 “ *promotion to a benefice in a church, or by*  
 “ *promotion to an office*); and that such free-  
 “ hold estate has not been granted or made to  
 “ me fraudulently, on purpose to qualify me to  
 “ give my vote; and that the place of my  
 “ abode is at ——— in ———, and that I  
 “ am twenty-one years of age, as I believe, and  
 “ that I have not been polled before at this  
 “ election.”

Penalty on  
committing  
perjury or

Which oath or solemn affirmation, the proper officer to whom the return of any writ or pre-

cept for such election shall belong, is hereby re- 22 Geo. 3. c. 31.  
 quired to administer; and in case any freeholder, Cricklade.  
 or other person taking the said oath or affirma-  
 tion hereby appointed, shall thereby commit subornation  
 wilful perjury, and be thereof convicted; or if thereof.  
 any person shall unlawfully and corruptly pro-  
 cure, or suborn any freeholder or other person  
 to take the said oath or affirmation, in order to  
 be polled, whereby he shall commit such wilful  
 perjury, and shall be thereof convicted, he and  
 they, for every such offence respectively, shall  
 incur such penalties as are inflicted on persons  
 guilty of perjury, or subornation of perjury, in  
 and by two acts of parliament, one made in the  
 fifth year of the reign of queen *Elizabeth*, in-  
 titled, *An act for punishing such persons*  
*as shall procure or commit wilful perjury, or*  
*suborn, or procure any person to commit any*  
*wilful or corrupt perjury; and the other*  
*made in the second year of the reign of his*  
*late majesty king George the second, intituled,*  
*An act for the more effectual preventing, and*  
*further punishment of forgery, perjury, and*  
*subornation of perjury, and to make it felony*  
*to steal bonds, notes, or other securities for*  
*payment of money, contrary to the said acts.*

§ 5. And be it further enacted, by the authority  
 aforesaid, that such proper officer, to whom any  
 writ or precept shall be directed for making any  
 election for the said borough, shall, upon the  
 receipt of such writ or precept, indorse upon  
 the back thereof the day of his receipt thereof,  
 in the presence of the party from whom he  
 received such precept, and shall forthwith cause  
 public notice to be given within the said bo-  
 rough of *Cricklade*, and the several towns of  
*Highworth, Malmsbury, Swindon, and Wotton*

Officer on re-  
 ceiving writ  
 or precept to  
 indorse the  
 same, and  
 forthwith to  
 give notice of  
 election as  
 herein.



22 Geo. 3. c. 31.  
Cricklade.

Time of elec-  
tion.

This act to be  
read at elec-  
tions.

*Basset*, by affixing up a notice thereof in writing on the market-houses, or on the doors of the churches of the said towns, of the day of election; and shall proceed to election thereupon within the space of twelve days, and not less than eight days, next after his receipt of the same precept.

§ 6. And be it further enacted, by the authority aforesaid, that this act shall be publicly read at every election for the said borough of *Cricklade*, immediately after the acts directed by any act of parliament to be read thereat, and before the persons present shall proceed to make such election.

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The Stat. 44 Geo. 3. c. 60.

(To be read at Elections for Aylesbury).

*An Act for the preventing of Bribery and Corruption in the Election of Members to serve in Parliament for the Borough of Aylesbury, in the County of Buckingham.*

“ WHEREAS there was the most notorious bribery and corruption at the last election of bur-  
“ gesses to serve in parliament for the borough  
“ of *Aylesbury*, in the county of *Buckingham*:  
“ and whereas such bribery and corruption is  
“ likely to continue and be practised in the said  
“ borough in future, unless some means are taken  
“ to prevent the same; in order, therefore, to pre-  
“ vent such unlawful practices for the future, and  
“ that the said borough may from henceforth be  
“ duly represented in parliament;” Be it enacted,  
by the king’s most excellent majesty, by and

with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that from henceforth it shall and may be lawful to and for every freeholder, being above the age of twenty-one years, who shall have within the three hundreds of *Aylesbury*, or one or more of them, in the county of *Buckingham*, a freehold of the clear yearly value of forty shillings, to give his vote at every election of a burgess or burgesses to serve in parliament for the said borough of *Aylesbury*.

44 Geo. 3. c. 84.  
*Aylesbury*.

Persons having a freehold within the three hundreds of *Aylesbury*, of the yearly value of 40s. may vote for *Aylesbury*.

§ 2. And be it further enacted, that the right of election of a member or members to serve in parliament for the said borough of *Aylesbury*, shall be and is hereby declared to be in such freeholders as aforesaid, and in the persons who, by custom and usage of the said borough, have, or shall hereafter have, a right to vote at such election; and the proper officer for the time being, to whom the return of every writ or precept does belong, is hereby required to return the person or persons to serve in parliament for the said borough who shall have the major number of votes of such freeholders, and other persons having a right to vote at such election, any law or usage to the contrary notwithstanding: Provided always, that such freeholders only shall be entitled to vote as shall be duly qualified to vote at elections for knights of the shire for the said county of *Buckingham*, according to the laws now in being for regulating county elections.

Right of election for *Aylesbury* shall be in such freeholders and persons having a right by custom of the borough of *Aylesbury* to vote, &c.

Such freeholders only to vote as are qualified to vote for the county.

§ 3. And be it further enacted, that every such freeholder, before he is admitted to poll at any election for the said borough, shall, if

Freeholders before voting shall take the following

4 Geo. 3. c. 60.  
Aylesbury.

required by the candidates, or any of them, or any other person having a right to vote at the said election, first take the oath, or, being one of the people called *Quakers*, the solemn affirmation following: *videlicet*.

Oath or affirmation.

“ I do swear, [*or being a Quaker, solemnly affirm,*] that I am a freeholder in the three hundreds of *Aylesbury*, or any one or more of them, in the county of *Buckingham*, and have a freehold estate, consisting of [*specifying the nature thereof, and if it consists in messuages, lands, tenements, or tithes, in whose occupation the same are; and, if in rent, the names of the owners or possessors of the tenements out of which such rent is issuing, or of some of them,*] situate, lying, or being at in the aforesaid hundreds, or in one or more of them, of the clear yearly value of over and above all rents and charges payable out of or in respect of the same; and that I have been in the actual possession or receipt of the rents and profits thereof, for my own use, above twelve calendar months [*or, that the same came to me within the time aforesaid by descent, marriage, marriage-settlement, devise, or promotion to a benefice in a church, or by promotion to an office,*] and that such freehold estate has not been granted or made to me fraudulently, on purpose to qualify me to give my vote; and that the place of my abode is at in and that I am twenty-one years of age, as I believe, and that I have not been polled before at this election.”

Which oath or solemn affirmation, the proper officer to whom the return of any writ or pre-

cept for such election shall belong, is hereby required to administer; and in case any freeholder, or other person taking the said oath or affirmation hereby appointed, shall thereby commit wilful perjury, and be thereof convicted; or if any person shall unlawfully and corruptly procure or suborn any freeholder or other person to take the said oath or affirmation, in order to be polled, whereby he shall commit such wilful perjury, and shall be thereof convicted, he and they, for every such offence respectively, shall incur such penalties as are inflicted on persons guilty of perjury, or subornation of perjury, in and by two acts of parliament, one made in the fifth year of the reign of queen *Elizabeth*, intituled, *An act for punishing such persons as shall procure or commit wilful perjury, or suborn or procure any person to commit any wilful or corrupt perjury*, and the other made in the second year of the reign of his late majesty king *George the second*, intituled, *An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury, and to make it felony to steal bonds, notes, or other securities for payment of money, contrary to the said acts.*

§ 4. And be it further enacted, that such proper officer to whom any writ or precept shall be directed for making any election for the said borough, shall, upon the receipt of such writ or precept, indorse upon the back thereof the day of his receipt thereof, in the presence of the party from whom he received such precept; and shall forthwith cause public notice to be given within the said borough of *Aylesbury*, and the several towns of great *Missen-*

44 Geo. 3, c. 6  
Aylesbury.

Penalty for  
taking a false  
oath, perjury  
as under the  
Eliz. c. 9. &  
2 Geo. 2. c. 2

Officer on re-  
ceiving writ  
precept to in-  
dorse the same  
and forthwith  
to give notice  
of election  
herein.

44 Geo. 3. c. 60.  
Aylesbury.

Time of elec-  
tion.

*den, Wendover, and Haddenham*, by affixing up a notice thereof in writing on the market-houses, or on the doors of the churches of the said towns, of the day of election, and shall proceed to election thereupon within the space of twelve days, and not less than eight days next after his receipt of the same precept.

This act shall  
be read at  
elections.

§ 5. And be it further enacted, that this act shall be publicly read at every election for the said borough of *Aylesbury* immediately after the acts directed by an act of parliament to be read thereat, and before the persons present shall proceed to make such election.

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The Stat. 51. Geo. 3. c. 126.

(To be read at Elections for Westminster).

*An Act to extend an Act made in the Year of His late Majesty King George the Second, to explain and amend the Laws touching the Elections of Knights of the Shire to serve in Parliament for England, respecting the Expences of Hustings and Poll-Clerks, so far as regards the City of Westminster.*

(9th July, 1811.)

18 Geo. 2. c. 18.

“ WHEREAS, by an act passed in the eighteenth  
“ year of the reign of his late majesty king  
“ *George the second*, intituled, *An act to explain*  
“ *and amend the laws, touching the elections of*  
“ *knights of the shire to serve in Parliament*  
“ *for that part of the united kingdom called*  
“ *England*, it is, amongst other things, provided,  
“ that the expences of erecting booths, and of

“ engaging poll clerks, should be borne and de-  
 “ frayed by the respective candidate or candi-  
 “ dates, at such elections, in the cases and in  
 “ manner as in the same act are more particularly  
 “ mentioned and provided for: and whereas the  
 “ right of election of citizens to serve in par-  
 “ liament for the city and liberty of *Westminster*  
 “ is, by the last determination of the house of  
 “ commons, of the nineteenth day of *March*,  
 “ 1795, declared to be in the inhabitants house-  
 “ holders, paying scot and lot, of the united pa-  
 “ rishes of *Saint Margaret* and *Saint John*, and  
 “ of the several parishes of *Saint Paul Covent*  
 “ *Garden*, *Saint Anne*, *Saint James*, *Saint*  
 “ *George Hanover Square*, *Saint Martin in the*  
 “ *Fields*, *Saint Clement Danes*, and *Saint Mary*  
 “ *le Strand*, (including so much and such parts of  
 “ the said parishes of *Saint Martin in the Fields*,  
 “ *Saint Clement Danes*, and *Saint Mary le*  
 “ *Strand*, as are within the liberties, districts,  
 “ limits, or jurisdictions of the duchy of *Lan*  
 “ *caster*,) and of the liberty or district of *Saint*  
 “ *Martin le Grand*, in the county of *Middlesex*,  
 “ and of the precinct of the *Savoy*: and whereas  
 “ the number of persons entitled to vote under  
 “ and by virtue of such last determination is very  
 “ considerable, and far exceeding in number the  
 “ voters in many of the counties of the kingdom,  
 “ and there is no convenient public building  
 “ within the said city, wherein to hold the elec-  
 “ tion, and to take a poll in writing of the  
 “ electors, in the event of the same being legally  
 “ demanded: and whereas, by reason of the popu-  
 “ lousness of the said city, the taking of a poll in  
 “ writing is attended with considerable expence,  
 “ from the number of clerks necessarily employed  
 “ therein: and whereas controversies having of  
 “ late arisen, as to the payment of the expences

51 Geo. 3.  
 c. 126.  
 Westminster.

51 Geo. 3.  
c. 126.  
Westminster.

Booths to be  
erected at the  
expence of the  
candidates.

Poll clerks to  
be appointed  
by the bailiff at  
the expence of  
the candidates.

“ attending the building of a convenient booth  
 “ or hustings, heretofore usually erected for the  
 “ holding of such election, and of the expence  
 “ attending the clerks employed in the taking of  
 “ a poll, when demanded, it has been deemed ex-  
 “ pedient, under the circumstances aforesaid, to  
 “ make some certain provision for defraying such  
 “ necessary expences, by extending the directions  
 “ and provisions of the said act in that behalf to  
 “ the elections of citizens to serve in parliament  
 “ for the city and liberty of *Westminster* : now,  
 “ to the intent that a stop may in future be put  
 “ to such controversies as aforesaid, and the ill  
 “ consequences of the same, and for maintaining  
 “ good order and uniformity of proceeding within  
 “ that populous city and borough, which is of  
 “ great consequence to the whole kingdom”, Be  
 therefore enacted, by the king’s most excellent  
 majesty, by and with the advice of the lords  
 spiritual and temporal, and commons in this  
 present parliament assembled, and by the au-  
 thority of the same, that at all times from and  
 after the passing of this act, upon every elec-  
 tion of a citizen or citizens to serve for the said  
 city of *Westminster* in parliament, the bailiff,  
 or in his absence his sufficient deputy, shall ap-  
 point, make, or erect, or cause to be appointed,  
 made, or erected, at the expence of the can-  
 didate or candidates, a convenient booth, or  
 place for holding the election; and the said  
 bailiff or deputy shall, in case of a poll being  
 demanded by any of the candidates, or any two  
 or more of the electors, appoint a convenient  
 number of clerks, not exceeding in the whole  
 the number of twenty-six, to take the poll,  
 (which said clerks shall be at the expence of  
 the candidates as aforesaid, and be paid not ex-  
 ceeding one guinea *per* day each clerk);

and the said bailiff, or deputy, shall also make out a list of the several parishes, districts, or divisions, (not exceeding eleven in number in the whole), into which the said booths or polling places shall be apportioned or allotted, and shall, upon request made, deliver a true copy thereof to any of the candidates, or their agents, who shall desire the same, taking for each of the said copies the sum of two shillings, and no more.

51 Geo. 3.  
c. 126.  
Westminster.

Bailiff, &c.  
to make out  
a list of dis-  
tricts, &c. for  
which polling  
places allot-  
ted, and to de-  
liver copies,  
&c.

§ 2. And be it further enacted, that the bailiff, or in his absence, his sufficient deputy, shall, at every such election, allow a cheque-book for every poll-book for each candidate, to be kept by their respective inspectors at the place where the poll for such election shall be taken or carried on.

A cheque-  
book for every  
poll-book  
allowed each  
candidate.

§ 3. And be it further enacted, that in case any such bailiff, or his deputy as aforesaid, shall wilfully offend against, or act contrary to the true intent and meaning of this act, such bailiff or deputy shall be liable to be prosecuted, by information or indictment in his majesty's court of king's bench at *Westminster*, in which no *noli prosequi* or *cesset processus* shall be granted; any law, custom, or usage to the contrary thereof in anywise notwithstanding.

Bailiff offend-  
ing to be pro-  
secuted.

§ 4. And be it further enacted, that it shall and may be sufficient for the plaintiff, in any action of debt given by this act, to set forth in the declaration or bill, that the defendant is indebted to him in the sum of  
and to alledge the particular offence for which the action or suit is brought, and that the defendant hath acted contrary to this act, without

The manner  
and proceed-  
ing in case of  
offence against  
this act.



51 Geo. 3.  
c. 126.  
Westminster.

mentioning the writ of summons to parliament, the precept thereon, or the return thereto; and it shall be sufficient in any indictment or information, for any offence committed contrary to this act, to alledge the particular offence charged upon the defendant, and that the defendant is guilty thereof, without mentioning the writ of summons to parliament, the precept thereon, or the return thereto; and upon trial of any issue in any such action, suit, indictment or information, the plaintiff, prosecutor, or informer, shall not be obliged to prove the writ of summons to parliament, the precept thereon, or the return thereto, or any warrant or authority to the bailiff, grounded upon any such writ of summons.

Limitation of  
actions, &c.

§ 5. Provided always, that every action, suit, indictment, or information, given by this act, shall be commenced within the space of six calendar months after the fact upon which the same is grounded shall have been committed.

Statutes of  
jeofails, &c. to  
extend to pro-  
ceedings on  
this act.

§ 6. And be it further enacted, that all the statutes of jeofails and amendments of the law whatsoever shall and may be construed to extend to all proceedings in any action, suit, indictment, or information, given or allowed by this act, or which shall be brought in pursuance thereof.

If plaintiff  
nonsuited, &c.  
defendant to  
recover treble  
costs.

§ 7. Provided always, and be it further enacted, that in case the plaintiff, or informer in any action, suit, indictment, or information, given by this act, shall discontinue the same or be nonsuited, or judgment be otherwise given against him, then and in any of the said cases the defendant against whom such action, suit,

or information shall have been brought, shall recover his treble costs.

51 Geo. 3.  
C. 126.  
Westminster.

§ 8. Provided also, and be it further enacted, that all and every the clauses, powers, directions, provisions, penalties, and forfeitures mentioned and contained in the several acts made and now in force, concerning elections for cities and boroughs not herein or hereby specifically altered, or otherwise provided for, shall be construed as heretofore to extend to the city and liberty of *Westminster*, in the same manner as if the same, and every of them, were severally repeated and re-enacted in the body of this present act; any thing herein contained to the contrary thereof in any wise notwithstanding.

Powers and provisions of former acts relative to electors to continue in force, except where hereby altered.

§ 9. And be it further enacted, that this act shall continue and be in force from the passing thereof until the first day of August, one thousand eight hundred and thirteen.

Continuance of act,

## ACTS

RELATING TO

## ELECTIONS FOR SCOTLAND.

The Scots Stat. of James 1. 3d Parliament  
(1425) c. 52.

*\* That all Prelates, Barrones, and Frechalders  
sall compeir personallie in the Parliament.*

Prelates,  
peers, and  
freeholders to  
be personally  
present in par-  
liament; not  
by procurator  
without lawful  
cause of ab-  
sence.

ITEM, it is ordained and statute, that all prelates, erles, barrones, and freeholders of the king within the realme, sen they are holden to give presence in the kingis parliament, and general council, fra thinefoorth be holden to compeir in proper person, and not be a procurator. But gif the procurator alleage there and prove a lauchfull cause of their absence.

The Scots Stat. of James 2. 7th Parliament  
(1427) c. 101.

*That small Barronnes and Frechalders needis  
not to come to Parliamentes.*


Small barons,  
&c. need not  
come to par-  
liament. Com-  
missioners of  
shires to be  
chosen, two or  
more for each.  
One for each  
of Clackman-  
nan and Kin-  
ross.

ITEM, the king, with consent of the hail council generallie hes statute and ordained, that the small baronnes and free-tennentes neid not to cum to parliaments nor general councils, swa that of ilk schirefdome, their be send chozen at the head court of the schirefdome, twa or maa wise men after the largeness of the schirefdome, out-tane the schirefdomes of *Clakmannan* and *Kinrosse*, of the quhilkis ane

\* In the Scots acts there is a great variety in the spelling, they are inserted here according to the statute book.

be sende of ilk ane of them the quhilk sall be called commissares of the schire, and be their commissares of all the schires sall be chosen ane wise man and expert, called the cominoun speaker of the parliament, the quhilk sall propone all and sindrie needis and causes, pertaining to the commounes in the parliament or general councel; the quhilkis commissares sall have full and haill power of all the laif of the schirefdome under the witnessing of the schireffis seale, with the seales of diverse barrounes of the schire, to heare, treate, and finallie to determine all causes to be proponed in councel or parliament; the quhilkis, commissares, and speakers shall have costage of them of ilk schire that awe compeirance in parliament or councel and of their rents, ilk pound sall be utheris fallow to the contribution of the said costes. All bishoppes, abbottes, priors, dukes, erles, lordes of parliament, and ban-rentes, the quhilkis the king will be received and summound to councel and parliament be his special precept.

James 1. 7th  
Parliament  
c. 101.  
Scots Act.




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The Scots Stat. of James 2. 14th Parliament  
(1457) c. 75.

*That na Freehalder be constreinziid to the  
Parliament, bot he be of Twenty Pounds  
woorth of Land.*

ITEM, the lordes thinkis speedeful, that na freehalder that holdis of the king, under the summe of twentie pounds, be constreinziid to cum to the parliament or general councel as for presence, bot gif he be ane barronne, or else be specially, of the kingis commandement, warned, outhir be officiar or be writ.

No frecholder under 20 to be constrained to come to parliament, unless a baron, or specially warned.

The Scots Stat. of James 4. 6th Parliament  
(1503) c. 78.

*That all Freeholders within ane Hundredth Markes of Extent, send their Procuratoures to the Parliament.*

No baron, freeholder, &c. within an hundred marks of new extent, compelled to come to parliament personally, &c.

All above such extent to attend.

ITEM, it is statute and ordained, that fra thine foorth na barronne, freehalder, nor vassal quhilk ar within ane hundredth markes of this extent, that now is, be compelled to cum personally to the parlamente, bot gif it be that our souveraine lorde write specially for them. And sa not to be unlawed for their presence and they send their procuratours to answeire for them, with the barronnes of the schire, or the maist famous persons. And all that ar abone the extent of ane hundreth markes to cum to the parliament under the paine of the auld unlaw.

The Scots Stat. of James 6. 11th Parliament  
(1587) c. 114.

*The Commissioners of small Barronnes, and Freeholders hes vote in Parliament.*

Preamble.  
Act of James 6.  
1585, recited

OUR souveraine lorde, considering the acte of his hienesse parliament, holden at Linlithcow, the tenth day of December, the zeir of God ane thousand five hundreth fourscore five zeires\*, makand mention how necessar it is to his hienesse, and his estaites, to bee trewly informed of the needes and causes pertaining to his loving subjectes in all estaites, specially the commounes of the realme; and remembring of ane gude and lovable acte made by his hienesse

\* The act here alluded to is an unprinted act of James 6. (A. D. 1585). It is not inserted because the above more fully enacting to the same effect has virtually superseded it. The act is to be found in Mr. Wight's book 1. 418. appendix.

progenitour, king James the first, of worthy memory, in the parliament halden at Perth, the first day of March, the zeir of God ane thousand four hundreth twenty-seven zeirs, anent the commissioners of small baronnes in parliament; that his majesty and his said estaites would ratifie and appreeve the same to have full effect, and to be put to execution in time cumming; and of new statute and ordaine, for the mair full explanation of the same act and certaine execution thereof, that precepts sould be directed foorth of the chancellary to ane barron of ilk schire first, to conveene the freeholders within the same schire for chusing of the commissioners, as is contained in the same acte; quhilkis commissioners being anis chosen and send to parliament, the precepts of parliament for conveening of freeholders to the effect foresaid, to be directed to the last commissioners of ilk schire, quhilkis sall cause cheise twa wise men being the kingis freeholders, resident indwellers of the schire, of gude rent and weill esteemed, as commissioners of the same schire, to have power and to be authorised as the act proports under the commissioners seale in place of the schireffes; and that all freeholders of the king, under the degree of prelates and lords of parliament be warned be proclamation to be present at the choosing of the said commissioners, and nane to have voit in their election, bot sik as hes fourtie shilling land in free tennendry halden of the king, and hes their actuall dwelling and residence within the same schire; quhilk matter being remitted be the said estaites conveyened in the said parliament at *Linlithcow*, to the will and good consideration of our said souveraine lord, to doe and ordaine therein as his hienesse

James 6.  
11th Parl.  
c. 114.  
Scots act.

Precepts to be directed for choosing commissioners.

Commissioners to be resident, &c.

Qualifications of electors of commissioners, (see post, Scots act, Car. 2. parl. 1. c. 35. page ci) and also of parl. 3. c. 21. page ciii.

James 6.  
11th Parl.  
5. 11.  
scot. act.

Act of James  
I. ratified.

Commissioners  
of shires, how  
to be elected;

their names,  
how notified,  
(see post cxviii.  
cxv. 5 Ann. c.  
5. and 6 Ann. c.  
8. § 8.)

how warned  
to parliament,  
(see post cxviii.  
5 Ann. c. 8.)

should think maist expedient and requisite be-  
twixt and his next parliament; and now his  
majesty intending, God willing, to take ordour  
for the final setting and establishing of that  
gude form and ordour maist meete and expedient  
to stand in perpetuity in this behalfe according  
to the effect of the said act of parliament maid  
at *Linlithgow*; in consideration of the great  
decay of ecclesiastical estate, and others  
maist necessar and weighty considerations  
moving his hienesse, therefore his majesty now  
after his lawful and perfite age of twenty-and  
zeirs compleit, sittand in plane parliament,  
declares and discernis the said act maid be king  
James the first, to take full effect and execution  
and ratifies and appreivis the sane be thir pre-  
sents; and for the better execution thereof,  
ordainis the commissioners of all the schireffe-  
doms of this realme according to the number  
perscribed in the said act of parliament to be  
elected be the freeholders foresaids, at the first  
head court after *Michaelmes* zeirly, or fail zeing  
thereof, at any uther time quhen the saids free-  
holders please conveene to that effect, or that  
his majesty sall require them thereto, quhilk  
conventions his majesty declaris and decernis to  
be lauchfull; and the saids commissioners being  
chosen as said is for ilk schireffdom, their names  
to be notified zeirly in writte to the director of  
the chancellary be the commissioners of the  
zeir preceding; and thereafter quhen any  
parliament or general convention is to be halden  
that the said commissioners be warned at the  
first be vertew of precepts furth of the chancel-  
lary, or be his hienesse missive letters or  
charges; and in all times thereafter be precepts  
of the chancellary as sall be directed to the  
uther estates; and that all freeholders be taxt

for the expences of the commissioners of the schires passing to parliament or generall councelles, and letters of poyading or horning to be direct for payment of the summes taxt to that effect, upon ane simple charge of sex dayes warning allanerly; and that the said commissioners, authorised with sufficient commissiones of the schireffdomes, fra quhilk they cum, sealed and subscribed, with sex at the least of the baronnes and freeholders thereof, sall be equall in number with the commissioners of burrowes, on the articles, and have vote in parliament and generall councelles in time cumming: and that his majesties missives before generall councelles sall be directed to the saids commissioners, or certaine of the maist ewest of them, as to the commissioners of burrowes in time cumming; and that the lords of council and session, sall scirly direct letters at the instance of the saids commissioners for conveening of freeholders to chuse the commissioners for the nixt zeir, and making of taxation to the effect abone-written; and that the compeirance of the saids commissioners of the schires in parliaments or generall councelles, sall relieve the hail remanent small barones and freeholders of the schires of their suites and presence aucht in the saids parliaments, providing alwayes, that the small baronnes observe there promises and conditions maid to his majesty; upon the quhilk declaration and ordinance maid and pronounced be our soveraine lord sittand in plaine parliament as said is; John Murray, of *Tullibardin*, asked actes and instruments, and David earle of Crawford, lord Lindsay, for himselfe, and in name and behalf of uthers of the nobility protesting in the contrair.

James 6.  
11th Parl.  
c. 114.  
Scots act.

Freeholders to  
be taxed for  
expences of  
commissioners,

the commis-  
sioners to have  
commissions,  
&c.



**APPENDIX.—SCOTLAND.**

**The Scots Stat. of James 6. 15th Parliament  
(1597) c. 276.**

*Barronnes suld send to the Parliament Commissioners with sufficient Commissiones.*

**Commissioners  
of shires to  
have commissions.**

OUR souveraine lord and estates of parliament statutis and ordainis, that na barronnes be received as commissioners for ony schireffedome within this realme at ony parliament, to be halden hereafter. Except the saids baronnes bring and produce with them sufficient commissions, granted to them in ane full convention of the hail baronnes of the said schireffedome; quhilk commission sall be authorised, with the subscription of ane great number of the barrons then present, to gidder with the clerk of the said convention his subscriptions: and gif the said commission be not past in dew forme, in maner foresaid, his hiennes and estaites discharges the clerk of register, in all time hereafter of ony receiving of their saids commissiones.

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**The Scots Stat. of Charles 2. 1st Parliament  
(1661) c. 35.**

*Act concerning the Election and Charges of  
the Commissioners from Shires to the Parliament.*

**Preamble.**

“ THE king’s majesty, considering that divers  
“ debates have formerly occurred concerning the  
“ persons who ought and should have vote in the

# APPENDIX.—SCOTLAND.

“ election of commissioners, from the several  
 “ shires of this kingdom to parliament, and  
 “ who are capable to be commissioners to parlia-  
 “ ments, and that it is necessary for the good of  
 “ his service that the same be cleared for the  
 “ future,” doth therefore, with advice and consent  
 of his estates of parliament, statute, enact, and  
 declare, that beside all heritors who hold a  
 forty shillings land of the king’s majesty *in*  
*capite*, that also all heritors, life-renters and  
 wadsetters holding of the king, and others who  
 held their lands formerly of the bishops or ab-  
 bots, and now hold of the king, and whose year-  
 ly rent doth amount to ten chalders of victuals,  
 or one thousand pounds (all feu-duties being  
 deducted) shall be and are capable to vote in  
 the election of commissioners of parliaments,  
 and to be elected commissioners to parliaments,  
 excepting always from this act all noble-  
 men and their vassals. And it being just that  
 those who shall be chosen, and accordingly  
 shall attend his majestie’s and the kingdom’s  
 service in parliaments have allowance for their  
 charges, his majestie doth therefore, with ad-  
 vice foresaid, modifie and appoint five pounds  
 Scots, of daily allowance, to every commis-  
 sioner from any shire, including the first and  
 last days of the parliament, together with  
 eight days for their coming, and as much for  
 their return, from the farthest shires of *Caith-*  
*ness* and *Sutherland*, and proportionably at  
 nearer distances; and that the whole free-  
 holders, heritors, and life-renters, holding of the  
 king and prince, shall, according to the propor-  
 tion of their lands and rents lying within the  
 shire, be lyable and oblidge, in the payment  
 of the said allowance, excepting noblemen and  
 their vassals; for payment of which, all exe-

Charles 2.  
 1st Parliament  
 c. 25.  
 Scots act.

Heritors hold-  
 ing a 40s. lan-  
 of the king in  
 capite, also all  
 heritors, life-  
 renters, and  
 wadsetters  
 holding of the  
 king, and  
 others, who  
 held formerly  
 of bishops, &c.  
 and now of the  
 king, having  
 the yearly  
 rent of ten  
 chalders of  
 victual or  
 1000l. (deduct-  
 ing feu-duties)  
 may elect, or  
 be elected  
 commissioner  
 to parliament  
 noblemen and  
 their vassals  
 excepted.

Commis-  
 sioners of  
 shires  
 allowed 5l.  
 Scots per diem  
 for their  
 charges ;

chargeable  
 upon the  
 heritors, &c.  
 holding of the  
 king or prince  
 in proportion  
 to their estate  
 within the  
 shire :

Charles 2.  
1st Parl. c. 20.  
Scots act.

and to be levied by horning, poynding, and quartering as the days of parliament shall be attested by the clerk register. To be in the same manner relieved of the prices of their foot-mantles. Which are to be made forthcoming to the shire at the rising of each parliament.

cution of horning, poynding, and quartering, is to pass as for raising of the excise, and that according as the time and days of the parliament shall be attested under the clerk register's hand. And because, at this time, some commissioners of shires have been put to extraordinary expences in providing of foot-mantles for the riding of the parliament, it is hereby statute, that the commissioners shall be relieved of the prices thereof, to be given in under their hands, and that the prices of the foot-mantles be raised in the same way, and by the same execution with the daily allowance aforesaid, the commissioners alwayes, at the rising of each parliament, making the foot-mantles forthcoming to the shire, to be disposed as they shall think fit.

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The Scots Stat. of Charles 2. 3d Parliament  
(1681) c. 21.

*Act concerning the Election of Commissioners  
for Shires.*

Preamble.

" OUR sovereign lord, considering the great  
" delay in dispatch of public affairs in parliament,  
" and convention of estates, occasioned by the  
" controverted elections of commissioners for  
" shires; For preventing whereof, and for clearing  
" the orderly way of election of the said  
" commissioners in time coming;" therefore his  
majesty, with advice and consent of his estates  
of parliament, statutes, and ordains, that none

shall have vote in the elections for commissioners for shires or stewartries, which have been in use to be represented in parliament and conventions, but those who at that time shall be publicly infeft in property or superiority, and in possession of a forty shilling land of old extent, holden of the king or prince distinct from the few-duties in few-lands: or, where the said old extent appears not, shall be infeft in lands liable in public burden, for his majesty's supplies for four hundred pounds of valued rent, whether kirk lands now holden of the king, or other lands holding few waird or blench of his majesty as king or prince of *Scotland*; and that appraisers or adjudgers shall have no vote in the said elections during the legal reversion; and that after the expiring thereof the appriser or adjudger, first infeft, shall only have vote, and no other appriser or adjudger coming in *pari passu* till their shares be divided, that the extent or valuation thereof may appear; and that, during the legal, the heritor, having right to the reversion, shall have vote; and likewise proper wad-setters, having lands of the holding, extent, or valuation foresaid; which rights to vote proceeding upon expired comprising adjudication, or proper wad-set, shall not be questionable upon pretence of any order of redemption, payment, and satisfaction, unless a decret of declaratour or voluntar redemption, renunciation, or resignation be produced; and that appairand heirs being in possession, by virtue of their predecessor's infeftment, of the holding, extent, and valuation foresaid; and likewise life-renters, and husbands for the freeholds of their wives, or having right to a life-rent by the courtesie, if the said life-renters claim their votes, otherwayes the fiar shall have vote; but

Charles 2.  
3d Parl. c. 31.  
Scots act.

None have right to vote at elections of commissioners unless infeft in property or superiority, and in possession of a 40s. land of old extent (distinct from the few-duties) or in lands liable to public burthens at 400l. valued rent, whether kirk lands or others holden of the king or prince; appraisers or adjudgers have no right during the legal reversion but only the reversors; after its expiration the first infeft only; proper wad-setters are intitled.

No objection of redemption or payment, &c. competent against adjudgers, &c. unless a decree of declaration or voluntary redemption, &c. be produced.

Apparent heirs in possession are intitled to vote, also life-renters, and

Charles 2.  
8d Parl. c. 21.  
Scots act.

husbands, having right through their wives; or by charter, if they claim their vote, otherwise the *fiar* only.

No person infeft for relief or payment of sums intitled.

Manner of making up the rolls of freeholders,

of revising or altering them.

Roll to be inserted in the sheriff's book, &c.

The freeholders at elections to meet in the sheriff's or steward's court room betwixt mid-day and two afternoon.

that both *fiar* and life-renter shall not have vote, unless they have distinct lands of the holding, extent, or valuation foresaid; but that no person infeft for relief or payment of sums shall have vote, but the grantors of the saids rights, their heirs, or successors. Likeas his majesty ordains the whole freeholders of each shire and stewartry, having election of commissioners, to meet and convene at the head burghs thereof, and to make up a roll of all the freeholders within the the same, whether lying within stewartries not having commissioners, or bailiaries of royalty, or regality, or without the same, upon the first Tuesday of May next to come, according as the same shall be instructed to be of the holding, extent, or valuation foresaid, containing the names and designations of the *fiars*, life-renters, and husbands, having right to vote for the same in manner above written; and expressing the extent or valuations of the said freeholders, with power to continue or adjourn their meetings until the said roll for elections be fully compleat: like as the said freeholders shall meet and convene at the head burghs of the said shires and stewartries *respective*, at the *Michaelmas* head court, yearly, thereafter, and shall revise the said roll for election, and make such alterations therein as have occurred since their last meeting, from time to time; which roll for election shall be insert in the sheriff or steward books, particularly appointed for that end, according as they shall be stated each *Michaelmas* court: and at the election of commissioners, either at the *Michaelmas* court, or at the calling of parliament or conventions, the said freeholders shall meet and convene at the head burgh of the shire or stewartry in that room where the sheriff or steward court useth to

be held, betwixt mid-day and two afternoon; which room shall be patent to them, and all others removed but whom they call; and the first or second commissioner last elected, or in their absence the sheriff or steward-clerk shall ask the voters, Who shall preside? and who shall be clerk to the meeting? and in case any alteration have happened in the said roll of elections since the last meeting, the persons then coming to have right to vote shall be insert in the roll; and there shall no objection be admitted against any insert in the said roll as said is, but what shall be propounded before they begin to vote to election. And if the objectors shall not be cleared and acquiesce, they shall take instruments containing their objections against the admitting to, or excluding any person from the foresaid roll. And it is hereby declared, that no other objection shall be competent in parliament or convention, but what shall be contained in the instruments taken as aforesaid. And in case objections be made when a parliament or convention is not called, a particular diet shall be appointed by the meeting, and intimate to the parties controverting, to attend the lords of session for their determination, who shall determine the same at the said diet, summarily, according to law, upon supplication without farther citation. And it is hereby declared, that horning for a civil cause, or non-residence, shall be no sufficient objection; but that the minority, being instantly verified, shall be a sufficient objection, or the not taking the test appointed by the sixth act of this present parliament, which is hereby ordered to be subscribed by all the votes, in presence of the meeting, before they proceed to the election, and recorded in the sheriff court-books, and so

Charles 2.  
3d Parl. c. 31.  
Scots act.

Manner of  
proceeding in  
choosing  
preses and  
clerk, and  
inserting  
voters.

No objections  
to be admitted  
unless made  
before begin-  
ing to vote.

No objections  
competent in  
parliament,  
&c.

other than  
those contain-  
ed in an in-  
strument  
taken at  
election.  
When the  
meeting is to  
appoint the  
parties, a diet  
to attend the  
lords of ses-  
sion for their  
determination.  
Horning for a  
civil cause or  
non-residence  
no sufficient  
objection.  
Minority, or  
not taking the  
test before  
election, is a  
sufficient  
objection.

Charles 2.  
9d Parl. c. 21.  
Scots act.

Penalties  
upon the ob-  
jections being  
sustained by  
parliament or  
not.

The sheriffs,  
&c. to make  
public intima-  
tion of the  
call and diet  
of parliament,  
and of elec-  
tions.

Manner there-  
of.

The heritors,  
&c. to con-  
tribute for the  
commissioners'  
charges and  
foot-mantles  
according to  
their valua-  
tions.

returned with the commission to the clerk of the register. And if the persons objected against shall appear at the parliament or convention, and instruct the right to vote, the objector shall pay their expences, and be farther fined in five hundred marks. And if the objection be sustained in parliament, the objectors appearing shall have their expences, and the party objected against shall be fined in five hundred marks. And to the effect that, sufficient advertisement may be given to all parties having vote in election, who are to elect at the calling of a parliament or convention, the sheriffs and stewarts are hereby ordained to make publication of the call and diet of the said parliament and convention, and of the diet appointed for election, and that at the head burgh of the shire or stewartry, upon a mercat day, betwixt ten and twelve in the forenoon; and also shall make the like intimation at each paroch kirk, on Sunday, immediately thereafter; which diets for election shall at least be twelve days before the meeting of parliament, or eight days before the meeting of a convention, that the commissioners elected may have sufficiency of time to keep the diet of the parliament or convention. Likeas his majesty, with consent foresaid, statutes, and ordains, the whole heritors, life-renters, and wood-setters within each shire and stewartry, to contribute for the charges of the commissioners thereof according to their valuation, except only those who hold of noblemen, or bishops, or lands belonging to burrows royal in burgage; and also to the expences of the foot-mantles.

The Scots Stat. of King William and Queen Mary. 1st Parliament, Sess. 2. (1690) c. 4.

*Act anent Electors of Commissioners to Parliament, their taking the Oath of Allegiance.*

“OUR sovereign lord and lady, and the  
“ estates of parliament, considering that it is the  
“ duty of all subjects to take the oath of alle-  
“ giance, if required thereto;” do therefore  
hereby ordain, statute, and enact, that all  
electors, either in shires or burghs royal, of  
commissioners to be sent to parliament or con-  
ventions of estates, do at their meetings, for  
making the said elections, and before they pro-  
ceed thereto, take and subscribe the oath of alle-  
giance contained in the claim of right and act (a)  
of parliament *recognizing their majesties’ autho-  
rity*; with certification, that if they do not,  
they shall not only be rejected from voting in  
the said elections, and excluded the meeting,  
but if they shall presume to stay or vote there  
in, their votes shall not be reckoned, and they  
themselves shall be fined in the sum of one  
thousand merks besides.

All electors  
take and sub-  
scribe the oath  
of allegiance

(a) The Scots act of king William and queen Mary, 1st parliament, sess. 1. (5th June, 1689), c. 2, giving the oath of allegiance in the then usual form.



The Scots Stat. of King William and Queen Mary. 1st Parliament, Sess. 4. (1693) c. 6.

*Act for taking the Oath of Allegiance and Assurance.*

Oath of allegiance to be taken, and assurance subscribed, by electors of members of parliament, before they elect.

“FORASMUCH as the imposing and taking  
 “the oath of allegiance and the assurance, enacted in this current parliament (*a*), as hereto  
 “subjoined, will be a further security to the Protestant religion and their majesties’ government in this present exigence;” therefore the king and queen’s majesties, with the advice and consent of the estates of parliament, statute and ordain, that the said oath of allegiance be sworn, and the same, with the foresaid assurance, be subscribed by all noblemen and their eldest sons, being past twenty-one years of age, and by all persons in offices and places of public trust, civil, ecclesiastical, and military, *to wit*, by all members of parliament, and electors of members of parliament.

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(*a*) The Scots statute of king William and queen Mary, 1st parliament, sess. 2. (25th April, 1690), c. 38, ordained that all persons who in law were obliged to swear and take the oath of allegiance, should subscribe the certificate and assurance therein.

[The act then enumerates the persons who are to be sworn, and points out before whom the oaths are to be taken.]

Will. & Mar.  
1st Parl. ses.  
c. 6.  
Scots act.

And their majesties, with consent foresaid, statute and ordain, that the whole persons above-mentioned shall swear the said oath, and subscribe the same, and the assurance, in manner aforesaid, betwixt\* and the twenty day of *June* (\* See in orig. next: for which end all the inferior courts are hereby dispensed with, to sit to the effect foresaid, excepting electors of members of parliament, and members of the commissions above mentioned, and these giving voice in calling of ministers, and such as have voice in electing of deacons of trades, who are hereby appointed to take the said oath (*a*), and subscribe the same, with the assurance (*b*), as fol-

(*a*) The Scots statute of queen *Anne*, 1st parliament (9th June, 1702), c. 1, gives new oaths of allegiance and assurance to be taken by all persons of public trust.

For the present form of the oath of allegiance depending upon the statute 1 Geo. 1. c. 13, see *ante*, xxv.

(*b*) A new form of the assurance was given by the statute 1 Geo. 1. stat. 2. c. 13. § 3. The form of assurance now depends upon the stat. 6 Geo. 3. c. 53. § 1, which substitutes the form following:

“ I, *A. B.* do, in the sincerity of my heart, assert, acknowledge, and declare, that his majesty king *George* is the only lawful and undoubted sovereign of this realm, as well *de jure*, that is, of right king, as *de facto*, that is, in the possession and exercise of the government. And therefore I do promise and swear, that I will, with heart and hand, life and goods, maintain and defend his right, title, and government against the descendants of the person who pretended

Will. & Mary.  
1st Parl. ses. 4.  
c. 6.  
Scots act.

lows, *viz.* the electors of members of parliament before they elect, members of commissions before they exercise the commissions, &c.

“ to be prince of *Wales*, during the life of the late king  
“ *James*, and, since his decease, pretended to be, and  
“ took upon himself the style  
“ and title of king of *England*,  
“ by the name of *James* the  
“ third, or, of *Scotland*, by  
“ by the name of *James* the

“ eighth, or the style and  
“ title of king of *Great Britain*, and their adherents,  
“ and all other enemies who,  
“ either by open or secret attempts, shall disturb or  
“ disquiet his majesty in the  
“ possession and exercise  
“ thereof.”

The Stat. 5 Ann. c. 8.

*An Act for an Union of the Two Kingdoms of  
England and Scotland.*

“ *Most Gracious Sovereign,*

“ WHEREAS articles of union were agreed on,  
“ the twenty-second day of July, in the first  
“ year of your majesty’s reign, by the commis-  
“ sioners nominated on behalf of the kingdom of  
“ *England*, under your majesty’s great seal of  
“ *England*, bearing date at *Westminster*, the  
“ tenth day of April then last past, in pursuance  
“ of an act of parliament made in *England*, in  
“ the third year of your majesty’s reign, and the  
“ commissioners nominated on the behalf of  
“ the kingdom of *Scotland*, under your ma-  
“ jesty’s great seal of *Scotland*, bearing date the  
“ twenty-seventh day of February, in the fourth  
“ year of your majesty’s reign, in pursuance of  
“ the fourth act of the third session of the pre-  
“ sent parliament of *Scotland*, to treat of and  
“ concerning an union of the said kingdoms:  
“ And whereas an act hath passed in the par-  
“ liament of *Scotland*, at *Edinburgh*, the six-  
“ teenth day of January, in the fifth year of  
“ your majesty’s reign, wherein ’tis mentioned,  
“ that the estates of parliament, considering the  
“ said articles of union of the two kingdoms,  
“ had agreed to, and approved of the said arti-  
“ cles of union, with some additions and ex-  
“ planations,” &c. &c.

The tenor of which articles, as ratified and  
approved of, with additions and explanations by  
the said act of parliament of *Scotland*, follows:

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5 Ann. c. 8.

Forty-five to be the number of representatives for Scotland in the House of commons.


The 22d article of the union is “ that, by virtue of this treaty, of the peers of *Scotland*, at the time of the union, sixteen shall be the number to sit and vote in the house of lords, and forty-five the number of the representatives of *Scotland* in the house of commons of the parliament of *Great Britain*; and that when her majesty, her heirs or successors shall declare her or their pleasure for holding the first or any subsequent parliament of *Great Britain*, until the parliament of *Great Britain* shall make further provision therein, a writ do issue under the great seal of the united kingdom, directed to the privy council of *Scotland*, commanding them to cause sixteen peers who are to sit in the house of lords, to be summoned to parliament, and forty-five members to be elected to sit in the house of commons of the parliament of *Great Britain*, according to the agreement of this treaty, in such manner as by an act of this present session of the parliament of *Scotland*, is or shall be settled; which act is hereby declared to be as valid as if it were a part of, and engrossed in this treaty. And that the names of the persons so summoned and elected shall be returned by the privy council of *Scotland*, into the court from whence the said writ did issue; and that, if her majesty, on or before the first day of May next, on which day the union is to take place, shall declare under the great seal of *England*, that it is expedient that the lords of parliament of *England*, and commons of the present parliament of *England*, should be the members of the respective houses of the first parliament of *Great Britain*, for and on the part of *England*, then the said lords of parliament of *England*, and commons of the present parliament of *England*,

shall be the members of the respective houses of the first parliament of *Great Britain*, for and on the part of *England*; and her majesty may, by her royal proclamation, under the great seal of *Great Britain*, appoint the said first parliament of *Great Britain*, to meet at such time and place as her majesty shall think fit, which time shall not be less than fifty days after the date of such proclamation; and the time and place of the meeting of such parliament being so appointed, a writ shall be immediately issued under the great seal of *Great Britain*, directed to the privy council of *Scotland*, for the summoning the sixteen peers, and for electing forty-five members, by whom *Scotland* is to be represented in the parliament of *Great Britain*, and the lords of parliament of *England*, and the sixteen peers of *Scotland*, such sixteen peers being summoned and returned in the manner agreed in this treaty, and the members of the house of commons of the said parliament of *England*, and the forty-five members for *Scotland*, such forty-five members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively, in the respective houses of the parliament of *Great Britain*, at such time and place as shall be so appointed by her majesty, and shall be the two houses of the first parliament of *Great Britain*; and that parliament may continue for such time only, as the present parliament of *England* might have continued if the union of the two kingdoms had not been made, unless sooner dissolved by her majesty; and that every one of the lords of parliament of *Great Britain*, and every member of the house of commons of the parliament of *Great Britain*, in the first and all succeeding parliaments of *Great Britain*,

5 Ann. c. 8.



22d article of union.

6 Ann. c. 8.  
  
 22d article of  
 union.

1 W. & M.  
 stat. 1. c. 8.

30 Car. 2.  
 stat. 2. c. 1.

1 Ann. stat. 1.  
 c. 22.

until the parliament of *Great Britain* shall otherwise direct, shall take the respective oaths appointed to be taken instead of the oaths of allegiance and supremacy, by an act of parliament made in *England* in the first year of the reign of the late king William and queen Mary, intituled, *An act for the abrogating the oaths of supremacy and allegiance, and appointing other oaths*, and make, and subscribe, and audibly repeat the declaration mentioned in an act of parliament made in *England* in the thirtieth year of the reign of king Charles the second, intituled, *An act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*; and shall take, and subscribe the oath mentioned, in an act of parliament made in *England* in the first year of her majesty's reign, intituled, *An act to declare the alterations in the oath appointed to be taken by the act*, intituled, *An act for the farther security of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders and their open and secret abettors, and for declaring the association to be determined*, at such time and in such manner as the members of both houses of parliament of *England* are, by the said respective acts, directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective acts contained; and it is declared, and agreed, that these words, "*this realm*," "*the crown of this realm*," and "*the queen of this realm*" mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of *England*, shall be understood of the crown

and realm of *Great Britain*; and that in that sense the said oaths and declaration be taken and subscribed by the members of both houses of the parliament of *Great Britain*.

5 Ann. c. 8.

22d article of union.

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§ 12. And whereas since the passing the said act in the parliament of *Scotland*, for ratifying the said articles of union, one other act, intituled, *An act settling the manner of electing the sixteen peers and forty-five members to represent Scotland in the parliament of Great Britain*, hath likewise passed in the said parliament of *Scotland* at *Edinburgh*, the fifth day of February, 1707, the tenor whereof follows:

“ Our sovereign lady considering, that, by the  
 “ twenty-second article of the treaty of union,  
 “ as the same is ratified by an act passed in this  
 “ session of parliament, upon the sixteenth of  
 “ January last, it is provided, That by virtue of  
 “ the said treaty, of the peers of *Scotland*, at  
 “ the time of the union, sixteen shall be the  
 “ number to sit and vote in the house of lords,  
 “ and forty-five the number of the representa-  
 “ tives of *Scotland*, in the house of commons  
 “ of the parliament of *Great Britain*, and that  
 “ the said sixteen peers, and forty-five members  
 “ in the house of commons be named and  
 “ chosen in such manner, as by a subsequent  
 “ act in this present session of parliament in  
 “ *Scotland* shall be settled; which act is thereby  
 “ declared to be as valid as if it were a part of,  
 “ and ingrossed in the said treaty: therefore,  
 “ her majesty, with advice and consent of the  
 “ estates of parliament, statutes, enacts, and or-  
 “ dains, that the said sixteen peers, who shall  
 “ have right to sit in the house of peers in the  
 “ parliament of *Great Britain*, on the part of

Tenor of the Act.

How the sixteen peers for *Scotland* to sit shall be elected



5 Ann. c. 8.



“ *Scotland*, by virtue of this treaty, shall be  
 “ named by the said peers of *Scotland*, whom  
 “ they represent, their heirs or successors, to  
 “ their dignities and honours, out of their own  
 “ number, and that by open election, and plu-  
 “ rality of voices of the peers present, and of  
 “ the proxies for such as shall be absent, the  
 “ said proxies being peers, and producing a  
 “ mandate in writing, duly signed before wit-  
 “ nesses, and both the constituent and proxy  
 “ being qualified according to law; declaring  
 “ also that such peers as are absent, being qua-  
 “ lified as aforesaid, may send to all such meet-  
 “ ings lists of the peers whom they judge fittest,  
 “ validly signed by the said absent peers, which  
 “ shall be reckoned in the same manner as if  
 “ the parties had been present, and given in the  
 “ said list; and, in case of the death, or legal  
 “ incapacity of any of the said sixteen peers,  
 “ that the aforesaid peers of *Scotland* shall no-  
 “ minate another of their own number in place  
 “ of the said peer or peers, in manner before  
 “ and after-mentioned; and that of the said  
 “ forty-five representatives of *Scotland* in the  
 “ house of commons, in the parliament of *Great*  
 “ *Britain*, thirty shall be chosen by the shires (*a*)

Of the forty-  
 five common-  
 ers for Scot-  
 land, thirty to  
 be chosen by  
 the shires, &c.  
 and fifteen by  
 the boroughs.

(*a*) The order in which the shires were called in the Scottish parliament was that which follows. (See 1 *Wight*, 506.)

|             |           |          |             |
|-------------|-----------|----------|-------------|
| Edinburgh,  | Berwick,  | Selkirk, | Lanark,     |
| Haddington, | Roxburgh, | Peebles, | * Dumfries, |

\* In order to prevent the election of certain persons as commissioners from the county of Dumfries, in the year 1660 a bond was entered into, by which those to be chosen were to exact no fees, and this bond having afterwards been put on record, and made the

means of procuring suspensions, (injunctions in favor of freeholders who were unwilling to pay these fees,) it was declared null and void by an unprinted act of the parliament, 1681.—1 *Wight*, 53, and Appendix, 420.

“ of stewartries, and fifteen by the royal bo-  
 “ roughs, as follows, viz. one for every shire  
 “ and stewartry; excepting the shires of *Bute*  
 “ and *Caithness*, which shall choose one by  
 “ turns, *Bute* having the first election; the  
 “ shires of *Nairn* and *Cromarty*, which shall  
 “ also choose by turns, *Nairn* having the first  
 “ election; and in like manner the shires of  
 “ *Clackmannan* and *Kinross* shall choose by  
 “ turns, *Clackmannan* having the first election.  
 “ And in case of the death, or legal incapacity  
 “ of any of the said members, from the respec-  
 “ tive shires or stewartries above-mentioned to  
 “ sit in the house of commons, it is enacted  
 “ and ordained, that the shire or stewartry who  
 “ elected the said member shall elect another

5 Ann. c. 11.

*Bute and Caith-  
ness to choose  
alternately.*

*So Nairn and  
Cromarty.*

*Clackman-  
nan and Kin-  
ross.*

*In case of  
death or inca-  
pacity of any  
member, ano-  
ther to be  
chosen by the  
shire, &c. in  
his place.*

|             |             |               |              |
|-------------|-------------|---------------|--------------|
| Wigtown,    | Perth,      | Fife,         | Elgin,       |
| Air,        | Kincardine, | • Kinross,    | Orkney,      |
| Dumbarton,  | Aberdeen,   | Forfar,       | and          |
| Bute,       | Inverness,  | Banff,        | Zetland,     |
| Renfrew,    | Nairn,      | Kircudbright, | Clackmannan, |
| Stirling,   | Cromarty,   | Sutherland,   | Ross.        |
| Linlithgow, | Argyle,     | Caithness,    |              |

• Mr. Wight, (1 vol. 468,) has given a curious minute of the parliament of *Scotland* of the 18th August, 1681, recording a letter from king Charles, noticing, that by the 101st act of the seventh parliament of James the first (of *Scotland*) the shire of *Kinross* was to be represented in parliament, but that almost all the shire came to belong to the earl of Morton and lord Burleigh, who, being themselves noblemen, did in parliament represent their own lands; but that sir William Bruce, of *Balgonie*, hav-

ing acquired the earl of Morton's interest (for the greatest part of the shire) and having a commission from the rest of the freeholders, did crave that he might represent that shire according to the former custom, founded upon the said act and records. The king thereupon authorizing and requiring his enrolment in parliament, to the effect that the said shire might enjoy its old privilege, &c.; the representation of that shire, which had ceased for some time before that, was restored.

5 Ann. c. 2.

Edinburgh to have one.

The other burghs each to elect a commissioner.

Commissioners and burghs divided into fourteen districts.

Commissioners within respective districts to meet and elect one for each district.

“ member in his place; and that the said fifteen  
 “ representatives for the royal boroughs be  
 “ chosen as follows, viz. that the town of *Edin-*  
 “ *burgh* shall have right to elect and send one  
 “ member to the parliament of *Great Britain*;  
 “ and that each of the other burghs shall elect  
 “ a commissioner in the same manner as they  
 “ are now in use to elect commissioners to the  
 “ parliament of *Scotland*; which commissioners  
 “ and burghs (*Edinburgh* excepted) being di-  
 “ vided in fourteen classes or districts, shall  
 “ meet at such time and burghs, within their  
 “ respective districts, as her majesty, her heirs  
 “ or successors shall appoint, and elect one for  
 “ each district, viz. the burghs of \* *Kirkwall*,  
 “ † *Wick*, † *Dornork*, † *Dingwall*, and † *Tayne*,  
 “ one; the burghs of † *Fortrose*, † *Inverness*,  
 “ † *Nairn*, and † *Forress*, one; the burghs of  
 “ † *Elgin*, † *Cullen*, † *Bamff*, † *Inverury*, and  
 “ † *Kintore*, one; the burghs of † *Aberdeen*,  
 “ † *Inverbervy*, † *Montrose*, † *Aberbrothock*, and  
 “ † *Brechin*, one; the burghs of † *Forfar*, † *Perth*,  
 “ † *Dundee*, † *Cowper*, and † *St. Andrews*, one;  
 “ the burghs of † *Crail*, † *Kilrennie*, † *Anstru-*  
 “ *ther Easter*, † *Anstruther Wester* †, and † *Pit-*

\* The numbers affixed to each borough denote their precedence, according to the order in which they were called in the rolls of parliament of *Scotland*. See 1 *Wight*, 453, appendix.

† See the charter by James third to the borough of *Inverness*, dated 16th August, 1464. 1 *Wight*, 408, appendix.

‡ In 1672 the borough of *Anstruther Wester* made a surrender in parliament of its

privileges as a royal borough, and that surrender was accepted upon the condition that the rest of the royal boroughs should take upon themselves the burden of its share of the land tax, but that not being done it was, by an unprinted act of William and Mary, (22d July, 1790) declared that this borough had never been de- vested of its royalty, and the clerk-register was ordered to deliver back to the magis-

“ *tenneem*, one; the burghs of *Dysart*, *Kirk-*  
 “ *caldie*, *Kinghorn*, and *Burntisland*, one;  
 “ the burghs of *Innerkeithing*, *Dumferling*,  
 “ *Queensferry*, *Culross*, and *Stirling*, one;  
 “ the burghs of *Glasgow*, *Renfrew*, *Ru-*  
 “ *therglen*, and *Dumbarton*, one; the burghs  
 “ of *Haddingtoun*, *Dunbar*, *North Ber-*  
 “ *wick*, *Lawder*, and *Jedburgh*, one; the  
 “ burghs of *Selkirk*, *Peebles*, *Linlithgow*,  
 “ and *Lanerk*, one; the burghs of *Dumfries*,  
 “ *Sanquhar*, *Annan*, *Lochmaban*, and *Kir-*  
 “ *cudbright*, one; the burghs of *Wigtoun*,  
 “ *New-galloway*, *Stranrawer*, and *White-*  
 “ *hern*, one; and the burghs of *Air*\*, *Ir-*  
 “ *vine*, *Rothsay*, *Campbletown*, and *In-*  
 “ *verary*, one. And it is hereby declared and  
 “ ordained, that where the votes of the com-  
 “ missioners for the said burghs met to choose  
 “ representatives from the several districts  
 “ to the parliament of *Great Britain*, shall be  
 “ equal, in that case the president of the meet-  
 “ ing shall have a casting or decisive vote, and  
 “ that by and according to his vote as a com-  
 “ missioner from the burgh from which he is  
 “ sent; the commissioner from the eldest burgh  
 “ presiding in the first meeting, and the com-  
 “ missioners from the other burghs, in their  
 “ respective districts, presiding afterwards, by

5 Ann. c. 2.

Where the  
votes at elec-  
tions are  
equal, the pre-  
sident to have  
the casting  
vote.

Commissioners  
for the  
burghs to pre-  
side by turns.

trates and inhabitants their  
charter of royalty. 1 *Wight*,  
48, and appendix, 415, where  
the act is set out.

No commissioner was sent  
from this borough from 1672  
till the meeting of the con-  
vention in 1689. 1 *Wight*, 48.

See a warrant for a poll  
election for this borough, 1  
*Wight*, 486.

\* See the charter from  
William the Lion, erecting  
the borough of Ayr. *Wight*,  
331. 475. The year is not  
mentioned. It recites his hav-  
ing built a castle at Ayr,  
(which is said to have been  
done in 1197;) so that it  
must have been subsequent  
to that time.

5 Ann. c. 2.

(see cxii. cxiii)

In case of death, or incapacity, another to be chosen.

None but those of 21 years of age, and protestants, and who make the formula, if required, capable to vote, or to be elected for any of the estates,

“ turns, in the order as the said burghs are  
 “ now called in the rolls of the parliament of  
 “ *Scotland*; and in case that any of the said  
 “ fifteen commissioners from the burghs shall  
 “ decease, or become legally incapable to sit  
 “ in the house of commons, then the town  
 “ of *Edinburgh*, or the district which choosed  
 “ the said member, shall elect a member  
 “ in his or their place. It is always hereby  
 “ expressly provided and declared, that none  
 “ shall be capable to elect, or be elected,  
 “ for any of the said estates, but such as are  
 “ twenty-one years of age compleat, and pro-  
 “ testants, excluding all papists, or such, who  
 “ being suspected of popery, and required,  
 “ refuse to swear and subscribe the *formula*\*,

\* *Formula*, contained in the third act in the eighth and ninth session of king William's first parliament (of *Scotland*, 28d November, 1700.)

“ I do  
 “ sincerely from my heart  
 “ profess and declare before  
 “ God, who searcheth the  
 “ heart, that I do deny, dis-  
 “ own, and abhor these tenets  
 “ and doctrines of the papal  
 “ *Romish* church, viz. the  
 “ supremacy of the pope and  
 “ bishop of *Rome*, over all  
 “ pastours of the catholic  
 “ church, his power and au-  
 “ thority over kings, princes,  
 “ and states, and the infalli-  
 “ bility that he pretends to,  
 “ either without, or with a  
 “ general council, his power  
 “ of dispensing and pardon-  
 “ ing, the doctrine of tran-  
 “ substantiation, and the cor-

“ poral presence with the  
 “ communion, without the  
 “ cup in the Sacrament of  
 “ the Lord's Supper, the ado-  
 “ ration and sacrifice pro-  
 “ fessed and practised by the  
 “ popish church in the mass,  
 “ the invocation of angels  
 “ and saints, the worshipping  
 “ of images, crosses, and re-  
 “ licts, the doctrine of su-  
 “ pererogation, indulgencies,  
 “ and purgatory; and the  
 “ service and worship in an  
 “ unknown tongue; all which  
 “ tenets and doctrines of the  
 “ said church I believe to be  
 “ contrair to, and inconsis-  
 “ tent with the written word  
 “ of God; and I do from my  
 “ heart deny, disown, and  
 “ disclaim the said doctrines  
 “ and tenets of the church of  
 “ *Rome*, as in the presence  
 “ of God, without any equi-

“ contained in the third act made in the eighth  
 “ and ninth sessions of king William’s parlia-  
 “ ment, intituled, ‘ *An act for preventing the*  
 “ *growth of popery:*’ And also declaring,  
 “ that none shall be capable to elect, or be  
 “ elected, to represent a shire or burgh in the  
 “ parliament of *Great Britain*, for this part of  
 “ the united kingdom, except such as are now  
 “ capable, by the laws of this kingdom, to  
 “ elect, or to be elected as commissioners for  
 “ shires or burghs to the parliament of *Scotland*.  
 “ And further, her majesty, with advice and  
 “ consent aforesaid, for the effectual and or-  
 “ derly election of the persons to be chosen to  
 “ sit, vote, and serve, in the respective houses  
 “ of the parliament of *Great Britain*, when  
 “ her majesty, her heirs and successors shall  
 “ declare her or their pleasure for holding the  
 “ first, or any subsequent parliament of *Great*  
 “ *Britain*, and when for that effect a writ shall  
 “ be issued out under the great seal of the  
 “ united kingdom, directed to the privy council  
 “ of *Scotland*, conform to the said twenty-  
 “ second article, statutes, enacts, and ordains,  
 “ that until the parliament of *Great Britain*  
 “ shall make farther provision therein, the said  
 “ writ shall contain a warrant and command to  
 “ the said privy council to issue out a proclama-  
 “ tion in her majesty’s name, requiring the peers  
 “ of *Scotland* for the time, to meet and assemble  
 “ at such time and place, within *Scotland*, as  
 “ her majesty and royal successors shall think  
 “ fit to make election of the said sixteen peers,  
 “ and requiring the lord clerk register, or two  
 “ of the clerks of session, to attend all such

5 Ann. c. 8.

None to elect  
 or be elected  
 for any place  
 in Scotland, but  
 such as might  
 for the parlia-  
 ment of Scot-  
 land.

Upon calling a  
 parliament,  
 writs shall be  
 directed to the  
 privy council  
 of Scotland.

Who are to  
 issue a procla-  
 mation for  
 electing six-  
 teen peers for  
 Scotland.

Manner  
 thereof.

“ vocation or mental reser-  
 “ vation, but according to  
 “ the known and plain mean-

“ ing of the words as to me  
 “ offered and proposed.

“ So help us God.”

5 Ann. c. 8.



The names of the peers elected to be certified to the clerk of the privy council, by the clerk register, &c.

And for electing the commissioners of shires, their names to be certified after election by the clerk of the meeting.

And for electing the commissioners of boroughs.

Manner of election. The clerk of the presiding boroughs to certify the names of the persons elected.

“ meetings, and to administer the oaths that  
 “ are or shall be by law required, and to ask  
 “ the votes, and having made up the lists in  
 “ presence of the meeting, to return the names  
 “ of the sixteen peers chosen (certified under  
 “ the subscription of the said lord clerk register,  
 “ clerk, or clerks of session attending) to the  
 “ clerk of the privy council of *Scotland*; and  
 “ in like manner requiring and ordaining the  
 “ several freeholders in the respective shires  
 “ and stewartries, to meet and convene at the  
 “ head burghs of their several shires and stewart-  
 “ ries, to elect their commissioners conform to  
 “ the order above set down; and ordaining the  
 “ clerks of the said meetings immediately after  
 “ the said elections are over, respectively, to  
 “ return the names of the persons elected to  
 “ the clerks of the privy council; and lastly,  
 “ ordaining the city of *Edinburgh* to elect their  
 “ commissioner and the other royal boroughs to  
 “ elect each of them a commissioner, as they have  
 “ been in use to elect commissioners to the par-  
 “ liament, and to send the said respective com-  
 “ missioners, at such times, to such burghs,  
 “ within their respective districts as her majesty  
 “ and successors by such proclamation shall  
 “ appoint, requiring and ordaining the common  
 “ clerk of the respective burghs, where such  
 “ elections shall be appointed to be made, to  
 “ attend the said meetings, and immediately after  
 “ the election, to return the names of the per-  
 “ sons so elected (certified under his hand) to  
 “ the clerk of the privy council, to the end that  
 “ the names of the sixteen peers, thirty commis-  
 “ sioners for shires, and fifteen commissioners for  
 “ burghs, being so returned to the privy council,  
 “ may be returned to the court from whence  
 “ the writ did issue under the great seal of the

“ united kingdom, conform to the said twenty-  
 “ second article: And whereas by the said  
 “ twenty-second article it is agreed, that, if  
 “ her majesty shall, on or before the first day of  
 “ May next, declare, that it is expedient the  
 “ lords and commons of the present parliament  
 “ of *England*, should be the members of the  
 “ respective houses of the first parliament of  
 “ *Great Britain*, for and on the part of *Eng-*  
 “ *land*, they shall accordingly be the members  
 “ of the said respective houses, for and on the  
 “ part of *England*; her majesty, with advice  
 “ and consent aforesaid, in that case only, doth  
 “ hereby statute and ordain, that the sixteen  
 “ peers, and forty-five commissioners for shires  
 “ and burghs, who shall be chosen by the peers,  
 “ barons, and burghs respectively in this pre-  
 “ sent session of parliament, and out of the  
 “ members thereof in the same manner as com-  
 “ mittees of parliament are usually now chosen,  
 “ shall be the members of the respective houses  
 “ of the said first parliament of *Great Britain*,  
 “ for, and on the part of *Scotland*, which nomi-  
 “ nation and election being certified by a writ  
 “ under the lord clerk register’s hand, the per-  
 “ son so nominated and elected shall have right  
 “ to sit and vote in the house of lords, and in  
 “ the house of commons, of the said first par-  
 “ liament of *Great Britain*.”

5 Ann. c. 2.

Manner of  
 proceeding up-  
 on uniting the  
 parliaments of  
*Great Britain*  
 and *Scotland*.

§ 13. “ As by the said act passed in *Scotland*  
 “ for settling the manner of electing the sixteen  
 “ peers, and forty-five members, to represent  
 “ *Scotland*, in the parliament of *Great Britain*  
 “ may appear,” Be it therefore further enacted  
 and declared, by the authority aforesaid, that  
 the said last-mentioned act, passed in *Scotland*  
 for settling the manner of electing the sixteen

Scots act de-  
 clared valid.



5 Ann. c. 6.

peers and forty-five members to represent Scotland in the parliament of Great Britain as aforesaid, shall be, and the same is hereby declared to be as valid as if the same had been part of and engrossed in the said articles of union, ratified and approved by the said act of parliament of Scotland, and by the act as aforesaid.

The Stat. Anno 6<sup>th</sup> Annæ Reginae, Cap. 6.

*An Act for rendering the Union of the Two Kingdoms more entire and complete.*

§. “AND for the more uniform and express method of electing and returning members of parliament,” be it likewise further enacted, by the authority aforesaid, That when any parliament shall at any time hereafter be summoned or called, the forty-five representatives of Scotland in the house of commons of the parliament of Great Britain, shall be elected and chosen by authority of the queen’s writs under the great seal of Great Britain, directed to the several sheriffs\* and stewarts of the respective shires and stewartries; and the said several sheriffs and stewarts shall, on receipt of such writs, forthwith give notice of the time of election for the knights or commissioners for their

Forty-five representatives of Scotland to be elected by authority of writs under the great seal of Great Britain; (see further provisions by the 35 Geo. 3. c. 65. § 1 and 2.) Sheriff and stewarts on receipt of writs, must give notice of election.

\* Where there is a principal or high sheriff, and also a sheriff depute, the sheriff depute or his substitute is to act, 35 Geo. 3. c. 65. § 2, and

there is by the same act a penalty of £1000, and disability from office on high sheriff’s failure.

respective shires or stewartries, and at such time of election the several freeholders in the respective shires and stewartries shall meet and convene at the head burghs of their several shires and stewartries, and proceed to the election of their respective commissioners or knights for the shire or stewartry; and the clerks of the said meetings, immediately after the said elections are over, shall respectively return the names of the persons elected to the sheriff or steward of the shire or stewartry, who shall annex it to his writ, and return it with the same into the court out of which the writ issued: and as to the manner of election of the fifteen representatives of the royal boroughs, the sheriff of the shire of *Edinburgh* shall, on the receipt of the writ directed to him, forthwith direct his precept to the lord provost of *Edinburgh*, to cause a burghess to be elected for that city; and on receipt of such precept, the city of *Edinburgh* shall elect their member, and their common clerk shall certify his name to the sheriff of *Edinburgh*, who shall annex it to his writ, and return it with the same into the court from whence the writ issued: and as to the other royal burghs, divided into fourteen classes or districts, the sheriffs or stewarts of the several shires and stewartries, shall, on the receipt of their several writs, forthwith direct their several precepts to every royal borough within their respective shires or stewartries, reciting therein the contents of the writ, and the date thereof, and commanding them forthwith to elect each of them a commissioner as they used formerly to elect commissioners to the parliament of *Scotland*, and to order the said respective commissioners to meet at the presiding borough of their respec-

6 Ann. c. 6

Clerks of meetings immediately after election, to return the names of persons elected into the court out of which the writ issued.

Sheriff of *Edinburgh* on receipt of writ to issue precept to lord provost of *Edinburgh*. City of *Edinburgh* thereupon to elect a member, and certify his name to the sheriff, who is to make the return.

So other sheriffs and stewarts to send precepts to boroughs within their districts to elect commissioners.

6 Ann. c. 6.

Commissioners to meet at presiding burgh on the thirtieth day after the teste of the writ (unless on Sunday) to choose their burgess.

Common clerk of presiding burgh immediately after election to return the name of the person elected, to the sheriff, &c.

who is to make the return.

In case of death or incapacity another to be chosen.

tive district (naming the said presiding borough) upon the thirtieth day after the day of the teste of the writ, unless it be upon the *Lord's-day*, commonly called *Sunday*, and then the next day after, and then to choose their burgess for the parliament; and the common clerk of the then presiding borough shall immediately after the election, return the name of the person so elected to the sheriff or steward of the shire or stewartry wherein such presiding borough is, who shall annex it to his writ, and return it with the same into the court from whence the writ issued: and in case a vacancy shall happen in time of parliament, by the decease or legal incapacity of any member, a new member shall be elected in his room, conformable to the method herein-before appointed; and in case such vacancy be of a representative for any one of the said fourteen classes, or districts of the said royal boroughs, that borough which presided at the election of the deceased or disabled member, shall be the presiding borough at such new election.

Shire or stewartry, &c. not having a turn to elect, to be omitted out of the writ, &c.

6. Provided always, that upon the issuing of writs of summons for the electing of a parliament, if any shire or stewartry wherein a royal borough is, hath not then a turn, or right to elect a commissioner, or knight of the shire or stewartry for that parliament, that then it shall be omitted out of the writ directed to such sheriff or steward, to cause a knight, or commissioner for that shire or stewartry to be elected for that parliament.

The Stat. Anno 6<sup>th</sup> Annæ Reginae, Cap. 23.

*An Act to make further Provision for electing and summoning Sixteen Peers of Scotland, to sit in the House of Peers in the Parliament of Great Britain, and for trying Peers for Offences committed in Scotland; and for the further regulating of Voters in Election of Members to serve in Parliament.*

“ WHEREAS, by the two and twentieth article of the treaty of union, for uniting the two kingdoms of *England* and *Scotland*, ratified and confirmed by the respective parliaments of each kingdom, it was, amongst other things, provided, that when her majesty, her heirs or successors, should declare their pleasure for holding the first, or any subsequent parliament of *Great Britain*, until the parliament of *Great Britain* should make further provision therein, writs should issue under the great seal of the united kingdom of *Great Britain*, directed to the privy council of *Scotland*, commanding them to cause sixteen peers, who were to sit in the house of lords, to be summoned to parliament, in such manner as by an act of the then present session of parliament of *Scotland*, was or should be settled; in which session of the parliament in *Scotland*, an act was accordingly passed for that purpose, intituled, *An act settling the manner of electing the sixteen peers, and forty-five members to represent Scotland in the parliament of*

5 Ann. c. 2.

6 Ann. c. 23.

“ *Great Britain*, which act was afterwards  
 “ confirmed by the parliament of *England*, and  
 “ declared to be as valid as if the same had  
 “ been part of and ingrossed in, the said arti-  
 “ cles of union; by which act it is, amongst  
 “ other things, provided and enacted, that the  
 “ sixteen peers who should have a right to sit  
 “ in the house of peers in the parliament of  
 “ *Great Britain*, on the part of *Scotland*, by  
 “ virtue of the said treaty, should be named by  
 “ the said peers of *Scotland*, whom they repre-  
 “ sent, their heirs or successors to their digni-  
 “ ties and honours out of their own number,  
 “ and that by open election and plurality of  
 “ voices of the peers present, and of the proxies  
 “ for such as should be absent, the said proxies  
 “ being peers, and producing a mandate in  
 “ writing duly signed before witnesses, and  
 “ both the constituent and the proxy being  
 “ qualified according to law; and that such  
 “ peers as were absent being qualified as afore-  
 “ said, might send to all such meetings, a list  
 “ of the peers whom they judged fittest, validly  
 “ signed by the said absent peers, which should  
 “ be reckoned in the same manner as if the  
 “ parties had been present and given in the said  
 “ list; and in case of the death, or legal inca-  
 “ pacity, of any of the said sixteen peers, that  
 “ the aforesaid peers of *Scotland*, should nomi-  
 “ nate another of their own number in place of  
 “ the said peer or peers, in manner as therein is  
 “ mentioned; and it was thereby further  
 “ enacted, that until the parliament of *Great*  
 “ *Britain* should make further provision there-  
 “ in, the said writs so to be issued, should con-  
 “ tain a warrant and command, to command the  
 “ said privy council to issue out a proclamation  
 “ in her majesty’s name, requiring the peers of

“ *Scotland* for the time, to meet and assemble  
 “ at such time and place within *Scotland*, as  
 “ her majesty and her royal successors should  
 “ think fit, to make election of the said sixteen  
 “ peers, and requiring the lord clerk register,  
 “ or two of the clerks of session, to attend all  
 “ such meetings, and to administer the oaths  
 “ as were, or should be, by law required, and  
 “ to ask the votes, and having made up the list  
 “ in presence of the meeting, to return the  
 “ names of the sixteen peers chosen, certified  
 “ under the subscription of the said lord clerk  
 “ register, clerk, or clerks of session, attending,  
 “ to the clerk of the privy council of *Scotland*,  
 “ to the end that the names of the sixteen peers  
 “ being so returned to the privy council, might  
 “ be returned to the court from whence the  
 “ writ did issue, under the great seal of the  
 “ united kingdom, conform to the said twenty-  
 “ second article; and whereas by an act of this  
 “ present session, intituled, ‘ *An act for ren-* 6 Anne, c. 6  
 “ *dering the union of the two kingdoms more*  
 “ *entire and complete,*’ it is declared and enact-  
 “ ed, that from and after the first day of May,  
 “ 1708, the privy council of *Scotland* shall  
 “ cease and determine, whereby it is become  
 “ necessary that some further provision should  
 “ be made for the electing and returning the  
 “ said sixteen peers, that are to sit in the house  
 “ of peers in the parliament of *Great Britain*,  
 “ pursuant to the said treaty:” Be it therefore  
 enacted, by the queen’s most excellent majesty,  
 by and with the advice and consent of the  
 lords spiritual and temporal, and commons in  
 parliament assembled, and by the authority of  
 the same, that at all times hereafter, when her  
 majesty, her heirs and successors shall declare  
 her or their pleasure for summoning and hold-

6 Ann. c. 22.

Proclamation  
to be issued for  
electing six-  
teen peers of  
*Scotland* to sit  
in the parlia-  
ment of *Great*  
*Britain*;

ing any parliament of *Great Britain*, that in order to the electing and summoning the sixteen peers of *Scotland*, a proclamation shall be issued under the great seal of *Great Britain*, commanding all the peers of *Scotland* to assemble and meet at *Edinburgh*, or in such other place in *Scotland*, and at such time as shall be appointed in the said proclamation, to elect by open election, the sixteen peers to sit and vote in the house of peers in the parliament of *Great Britain*, in such manner as by the before-recited act and hereinafter is appointed.

and published  
at *Edinburgh*,  
the 25 days  
before election.

2. And be it further enacted, by the authority aforesaid, that every proclamation issued for the purpose aforesaid, shall be duly published at the market cross at *Edinburgh*, and in all the county towns of *Scotland*, five and twenty days at the least before the time thereby appointed for the meeting of the peers to proceed to such election.

All the peers  
present to take  
the oaths.

3. And be it further enacted, by the authority aforesaid, that all the peers who meet on such proclamation, shall, before they proceed to the election, and in the presence of all the peers assembled for such election, take the respective oaths, *videlicet* :

Oaths.

“ I, *A. B.* do sincerely promise and swear,  
“ that I will be faithful, and bear true alle-  
“ giance to her majesty, queen Anne.

“ So help me God.

“ *A. B.*”

“ I, *A. B.* do swear, that I do from my  
“ heart abhor, detest, and abjure, as impious  
“ and heretical, that damnable doctrine and

“ position, that princes, excommunicated or 6 Ann. c. 28.  
 “ deprived by the pope or any authority of the  
 “ see of *Rome*, may be deposed or murdered by  
 “ their subjects or any other whatsoever: and  
 “ I do declare, that no foreign prince, person,  
 “ prelate, state, or potentate, hath or ought to  
 “ have any jurisdiction, power, superiority,  
 “ pre-eminence, or authority, ecclesiastical or  
 “ spiritual, within this realm.

“ So help me God.”

And also make, repeat, and subscribe the  
 declaration following, *videlicet* :

“ I, *A. B.* do solemnly and sincerely, in  
 “ the presence of God, profess, testify, and  
 “ declare, that I do believe that in the sacra- And subscribe  
 “ ment of the Lord’s supper, there is not any the declara-  
 “ transubstantiation of the elements of bread tion.  
 “ and wine into the body and blood of Christ,  
 “ at or after the consecration thereof by any  
 “ person whatsoever, and that the invocation  
 “ or adoration of the Virgin Mary or any other  
 “ saint, and the sacrifice of the mass, as they  
 “ are now used in the church of *Rome*, are  
 “ superstitious and idolatrous. And I do so-  
 “ lemnly, in the presence of God, profess,  
 “ testify, and declare, that I do make this de-  
 “ claration and every part thereof, in the plain  
 “ and ordinary sense of the words read unto  
 “ me, as they are commonly understood by  
 “ English protestants, without any evasion,  
 “ equivocation, or mental reservation what-  
 “ soever, and without any dispensation already  
 “ granted me for this purpose by the pope, or  
 “ any other authority or person, whatsoever, or  
 “ without any hope of any such dispensation from  
 “ any person or authority whatsoever, or without



6 Ann. c. 22.

~~word~~

“ thinking that I am, or can be, acquitted be-  
 “ fore God or man, or absolved of this decla-  
 “ ration or any part thereof, although the pope,  
 “ or any other person or persons, or power  
 “ whatsoever, should dispense with, or annul  
 “ the same, or declare that it was null and void  
 “ from the beginning.”

And also take and subscribe the following  
 oath, *videlicet* :

And also take  
 the following  
 oath.

“ I, *A. B.* do truly and sincerely acknow-  
 “ ledge, profess, testify, and declare, in my  
 “ conscience before God and the world, that  
 “ our sovereign lady queen Anne, is lawful and  
 “ rightful queen of this realm, and of all other  
 “ her majesty’s dominions and countries there-  
 “ unto belonging: and I do solemnly and sin-  
 “ cerely declare, that I do believe in my con-  
 “ science, the person pretended to be prince of  
 “ *Wales* during the life of the late king *James*,  
 “ and, since his decease, pretending to be,  
 “ and taking upon himself the stile and title of,  
 “ king of *England* by the name of *James* the  
 “ third, or of *Scotland* by the name of *James*  
 “ the eighth, or the stile and title of king of  
 “ *Great Britain*, hath not any right or title  
 “ whatsoever to the crown of this realm, or  
 “ any other the dominions thereunto belonging,  
 “ and I do renounce, refuse, and abjure any  
 “ allegiance or obedience to him: and I do  
 “ swear, that I will bear faith and true alle-  
 “ giance to her majesty queen Anne, and her  
 “ will defend, to the utmost of my power,  
 “ against all traiterous conspiracies, and all  
 “ attempts whatever which shall be made  
 “ against her person, crown, or dignity: and  
 “ I will do my utmost endeavour to disclose

(See the pre-  
 sent oaths of  
 abjuration  
 under 6 Geo. 3.  
 c. 53.  
 ante, xxvii.)

“ and make known to her majesty and her suc- 6 Ann.c. 12.  
 “ cessors, all treasons and traiterous conspira-  
 “ cies, which I shall know to be against her  
 “ or any of them: And I do faithfully promise  
 “ to the utmost of my power to support, main-  
 “ tain, and defend the succession of the crown  
 “ against him the said *James*, and all other per-  
 “ sons whatsoever, as the same is and stands  
 “ settled by an act, (intituled, *An act declaring*  
 “ *the rights and liberties of the subject, and*  
 “ *settling the succession of the crown to her*  
 “ *present majesty and the heirs of her body,*  
 “ *being protestants,*) and as the same by one  
 “ other act, intituled, (*An act for the further*  
 “ *limitation of the crown, and better securing*  
 “ *the rights and liberties of the subject,*) is  
 “ and stands settled and entailed after the de-  
 “ cease of her majesty, and for default of issue  
 “ of her majesty, to the princess *Sophia*, elec-  
 “ tress and duchess dowager of *Hanover*, and  
 “ the heirs of her body being protestants: and  
 “ all these things I do plainly and sincerely  
 “ acknowledge and swear, according to these  
 “ express words by me spoken, and according  
 “ to the plain and common sense and under-  
 “ standing of the same words, without any  
 “ equivocation, mental evasion, or secret reser-  
 “ vation whatsoever. And I do make this re-  
 “ cognition, acknowledgement, abjuration, re-  
 “ nunciation, and promise, heartily, willingly,  
 “ and truly, upon the true faith of a christian.  
 “ So help me God.”

4. And that such peers that live in *Scotland*, but shall not be present at such meeting so appointed, may take the said oaths, and make and subscribe the said declaration in any sheriff's court in *Scotland*, and every sheriff or his

How peers liv-  
 ing in *Scotland*  
 or residing in  
*England*, not  
 present at  
 election, may  
 take the  
 oaths, &c.

6 Ann. c. 23.



and be thereby  
qualified to  
make a  
proxy, &c.

deputy before whom such oaths and such declaration shall be so made, subscribed, and repeated, shall, and is hereby required to return the original subscription of such oath and declaration, signed by the peer who took the same, and make a return in writing under his hand and seal to the peers so assembled, of such peers taking the said oaths, and making and subscribing the said oath and declaration, and such peer shall be thereby enabled and qualified to make a proxy, or to send a signed list containing the names of sixteen peers of *Scotland*, for whom he giveth his vote, and such of the peers of *Scotland* as, at the time of issuing such proclamation, reside in *England*, may take and subscribe the said oaths, and make, repeat, and subscribe the said declaration in her majesty's high court of chancery of *England*, her majesty's court of queen's bench, common pleas, or court of exchequer in *England*, which, being certified by writ to the peers in *Scotland* at their meeting, under the seal of the court where such oath and declaration shall be made, repeated, and subscribed, shall be sufficient to entitle such peer to make his proxy, and to send a signed list as aforesaid; and in case any of the said peers of *Scotland*, who at any time before the issuing of such proclamation, have taken the said oaths and made and subscribed the said declaration in *England* or *Scotland*, to be certified as aforesaid, and if taken in parliament, to be certified under the great seal of *Great Britain*, shall at the time of issuing such proclamation be absent in the service of her majesty, her heirs or successors, such peer may make his proxy or send a signed list.

5. Provided always, and be it enacted by the authority aforesaid, that such peers of *Scotland*, as are also peers of *England*, shall sign their proxies and lists by the title of their peerage in *Scotland*.

6 Ann. c. 23.

How proxies shall be signed.

6. And be it further enacted, by the authority aforesaid, that no peer shall be capable of having more than two proxies at one time.

No peer to have more than two proxies.

7. And be it further enacted, by the authority aforesaid, that at such meeting of the peers they shall all give in the names of the persons by them nominated to sit and vote in the house of peers in the parliament of *Great Britain*, and the lord clerk register, or two of the principal clerks of the session appointed by him to officiate in his name, shall, after the election is made and duly examined, certify the names of the sixteen peers so elected, and sign and attest the same in the presence of the peers, which certificate, so signed and attested, shall, by the lord clerk register, or two of the principal clerks of the session, be returned into her majesty's high court of chancery of *Great Britain* before the time appointed for the meeting of the parliament.

After election, lord clerk register to certify the names of the sixteen peers elected.

8. And be it further enacted, by the authority aforesaid, that the peers shall come to such meetings with their ordinary attendants only, according to, and under the several penalties inflicted by, the several laws and statutes now in force in *Scotland*, which prescribe and direct with what number and attendants the subjects there may repair to the public courts of justice.

How peers shall come attended to elections.

6 Ann. c. 23.

Peers not to  
debate or treat  
of any matter,  
&c. except  
only the elec-  
tion.

9. And be it further enacted, by the authority aforesaid, that it shall not be lawful for the peers so assembled and met together for the electing sixteen peers to sit and vote in the house of peers in the parliament of *Great Britain*, to act, propose, debate, or treat of any other matter or thing whatsoever, except only the election of the said sixteen peers, and that every peer who shall at such meeting presume to propose, debate, or treat of any other matter or thing contrary to the direction of this act, shall incur the penalty of *præmunire*, expressed in the statute of the 16th year of king Richard the second.

Confirmation  
of the act of  
parliament of  
*Scotland*.

5 Annæ, c. 8.

Exception.

10. And be it further declared, by the authority aforesaid, that all and every matter and things for, or concerning, the election of sixteen peers of *Scotland*, to sit and vote in the house of peers in the parliament of *Great Britain*, directed and appointed to be observed and done by the articles of union, and the said recited act of parliament in *Scotland*, intituled, “*An act settling the manner of electing the sixteen peers and forty-five members to represent Scotland in the parliament of Great Britain*,” which act, by an act of parliament in *England*, in the fifth year of her majesty’s reign, intituled, “*An act for the union of the two kingdoms of England and Scotland*,” was declared to be as valid as if the same had been part of, and ingrossed in, the articles of union thereby ratified and approved, shall be observed and performed, except only wherein this act has further declared and provided.

11. And be it further enacted, by the authority aforesaid, that, in case any of the six-

teen peers so chosen shall die, or become otherwise legally disabled to sit in the house of peers of the parliament of *Great Britain*, that her majesty, her heirs and successors, shall forthwith, after such death or disability, issue a proclamation under the great seal of *Great Britain*, for electing another peer of *Scotland* to sit in the house of peers of the parliament of *Great Britain*, in the room of such peer deceased or otherwise legally disabled; which proclamation shall be published at such time and places as is herein enacted, touching proclamations issued upon summoning a parliament of *Great Britain*; and the peers of *Scotland* being qualified as is hereby directed, shall proceed to elect a peer of *Scotland* to sit in the house of peers of the parliament of *Great Britain*, in the room of such peer deceased or otherwise legally disabled, in such manner and under such restrictions and regulations as are by this act directed to be observed, upon the electing sixteen peers of *Scotland* to sit in the house of peers of the parliament of *Great Britain*.

6 Ann. c. 23.

In case of death or disability of peers elected, proclamation to issue for electing another.

12. And be it further enacted, by the authority aforesaid, that for the more effectual trial of any peer of *Great Britain* that hath committed, or shall commit any high treason, petit treason, misprision of treason, murder, or other felonies, in *Scotland*, commission or commissions may issue under the great seal of *Great Britain* to be directed to such person and persons as shall be therein named, constituting them, and such a number of them as shall be therein mentioned, justices of the queen, her heirs and successors, to enquire, by the oaths of good and lawful men of such county and counties of *Scotland* as shall be named therein,

How peers shall be tried for treason, murder, &c. committed in *Scotland*.

6 Ann. c. 23.

of all treasons, misprisions of treason, murders, and other felonies, committed in such county by a peer or peers of *Great Britain*, which inquisition shall be taken and made in the same manner as indictments found and taken before justices of oyer and terminer of any county of *England*, and shall be of the same effect, and proceeded upon in the same method as any inquisition found before justices of oyer and terminer in *England*, whereby any peer is indicted for any such offence, and such justices shall issue mandates or precepts to the sheriffs of the respective counties of *Scotland* to return to them at such day and place as they shall appoint, such and so many good and lawful men of the same county, as may be sufficient to enquire of the offences aforesaid, and twelve or more of them so returned being sworn, shall be sufficient to make such enquiry, and find any indictment; and if the sheriff of such county shall not summon a sufficient number of men to make such inquisition, the justices that do proceed upon such commission may impose a fine upon such sheriff which shall be levied by process, out of the exchequer; and if any of the persons summoned by the sheriff to enquire as aforesaid, shall not appear, the justices may, in like manner, impose a fine upon such person so making default to be levied in manner aforesaid.

Persons refusing to take the oath, or, Quaker, to make affirmation, &c. (For the oath see ante, § 3.)

13. And be it further enacted, by the authority aforesaid, that every person who shall refuse to take the oath last herein-before recited, or, being a *Quaker*, shall refuse to declare the effect thereof upon his solemn affirmation as directed by an act of parliament made in the seventh year of the reign of his

late majesty, king William, intituled, *An act*  
*“ that the solemn affirmation and declaration*  
*of the people called Quakers, shall be ac-*  
*cepted instead of an oath in the usual form,”*

6 Ann. c. 23.

7 & 8 W. 2.  
c. 34.

h oath or declaration the sheriff, president  
 meeting, or chief officer taking the poll  
 election of members to serve in the  
 commons for any place in *Great Bri-*  
*tain* commissioners for choosing burgesses  
 in *Scotland*, at the request of any  
 or other person present at such elec-  
 tion, are hereby impowered and required to ad-  
 minister) shall not be capable of giving any  
 vote for the election of any such member to  
 serve in the house of commons for any place in  
*Great Britain*, or commissioner to choose a  
 burgess for any place in *Scotland*.

Incapable of  
 voting for elec-  
 tion of mem-  
 ber for any  
 place in *Great*  
*Britain*, or  
 commissioner  
 to choose a  
 burgess for any  
 place in *Scot-*  
*land*.

14. Provided always, and be it enacted by  
 the authority aforesaid, that if any person,  
 being a *Quaker*, shall refuse to take the said  
 oath, being tendered to him in pursuance of  
 an act made in this present session of parlia-  
 ment, intituled, “ *An act for the better se-*  
*curity of her majesty’s person and govern-*  
*ment,*” but shall, instead thereof declare the  
 effect of the said oath, upon his solemn affir-  
 mation, as directed by an act of parliament  
 made in the seventh year of the reign of his  
 late majesty, king William the third, intituled,  
 “ *An act that the solemn affirmation and de-*  
*claration of the people called Quakers, shall*  
*be accepted instead of an oath in usual*  
*form,”* which affirmation shall be adminis-  
 tered to such *Quaker* instead of the said  
 oath, such *Quaker* shall not be liable to any  
 the penalties or forfeitures for refusing the said  
 oath when tendered to him, contained or men-

*Quakers de-*  
*claring on*  
*their affirma-*  
*tion not liable*  
*to penalties, by*  
 6 Ann. c. 14.

7 & 8 W. 2.  
c. 34.

(1 Geo. 1, st. 2.  
c. 6.)



6 Ann. c. 23.

6 Ann. c. 14.

tioned in the said act, intituled, "*An act for*  
 "*the better security of her majesty's person*  
 "*and government.*"

A. D. 1707.

The Stat. Anno 12<sup>o</sup> Annæ, Cap. 6.

*An Act for the better regulating the Elections  
 of Members to serve in Parliament, for that  
 Part of Great Britain called Scotland.*

"WHEREAS of late several conveyances of  
 " estates have been made in trust or redeemable  
 " for elusory sums, no ways adequate to the  
 " true value of the lands, on purpose to create  
 " and multiply votes in elections of members to  
 " serve in parliament for that part of *Great*  
 " *Britain* called *Scotland*, contrary to the true  
 " intent and meaning of the laws in that be-  
 " half," Be it therefore enacted, by the queen's  
 most excellent majesty, by and with the advice  
 and consent of the lords spiritual and temporal  
 and commons in this present parliament assem-  
 bled, and by the authority of the same, That  
 from and after the determination of this pre-  
 sent parliament, no conveyance or right what-  
 soever whereupon infeoffment is not taken and  
 seizin registrated, one year before the teste of  
 the writs for calling a new parliament, shall  
 upon objection made in that behalf, entitle the  
 person or persons so infeoft, to vote or to be  
 elected at that election in any shire or stewartry  
 in that part of *Great Britain* called *Scotland*;  
 and in case any election happen during the con-

After the end  
 of the parlia-  
 ment no con-  
 veyance  
 whereon infe-  
 offment is not  
 taken, and  
 seizin regis-  
 tered, a year  
 before the teste  
 of the writ,  
 shall entitle to  
 vote or be  
 elected in  
 Scotland; nor if  
 any election  
 happen during  
 the continu-  
 ance of a par-  
 liament.

tinuance of a parliament, no conveyance or right whatsoever, whereupon infeoffment is not taken one year before the date of the warrant for making out a new writ for such election, shall, upon objection made in that behalf, entitle the person or persons so infeofft, to vote or be elected at that election; and that from and after the said day, it shall and may be lawful to or for any of the electors present, suspecting any person or persons to have his or their estates in trust and for the behoof of another, to require the preses of the meeting to tender the following oath to any elector; and the said preses is hereby empowered and required to administer the same in the following words, *videlicet* :

12 Ann. c. 6.

Any elector may require the preses to tender an oath to one whom he suspects to have an estate in trust.

“ I, *A. B.* do, in the presence of God, declare and swear, that the lands and estate of  
 “ for which I claim to give my vote in  
 “ this election, are not conveyed to me in trust,  
 “ or for the behoof of any other person whatsoever; and I do swear before God, that neither I, nor any person to my knowledge, in  
 “ my name, or by my allowance, hath given,  
 “ or intends to give, any promise, obligation, bond, back-bond, or other security, for re-  
 “ disposing or re-conveying the said lands and  
 “ estate, any manner of way whatsoever; and  
 “ this is the truth, as I shall answer to God.”

The oath.  
 Another oath is substituted for this by the stat.  
 7 Geo. 2. c. 16.  
 § 2. see post cxliv.

And in case such elector refuse to swear, and also to subscribe the said oath, such person or persons shall not be capable of voting, or being elected at such election.

Refusing, shall not vote.

2. Provided always, That notwithstanding such oath taken, it shall be lawful to make such

Other objections as allowable by law.

18 Ann. c. 6.

other objections as are allowed by the laws of *Scotland* against such electors.

No infeoffment or any redeemable right (except proper wadsetts, &c.) shall entitle to vote or be elected.

3. And be it further enacted and declared by the authority aforesaid, That no infeoffment taken upon any redeemable right whatsoever (except proper wadsetts, adjudications, or appraisings allowed by the act of parliament relating to elections, in 1681) shall entitle the person so infeoft to vote or be elected at any election in any shire or stewartry\*; and that no person or persons, who have not been inrolled, and voted at former elections, shall, upon any pretence whatsoever, be inrolled or admitted to vote at any election, except he or they first produce a sufficient right or title to qualify him or them to vote at that election, to the satisfaction of the freeholders formerly inrolled, or the majority of them present; and the returning officers are hereby ordained to make their returns of the persons elected by the majority of the freeholders inrolled, and those admitted by them, reserving always the liberty of objecting against the persons admitted to, or excluded from the roll, as formerly.

Sheriffs, &c. shall, on penalty of 50l. make public intimations three days before the day of election.

4. And be it further enacted by the authority aforesaid, That all sheriffs of shires, and stewarts of stewartries, shall be obliged, under the pain of fifty pounds sterling, one moiety whereof shall be to the queen's most excellent majesty, her heirs and successors, and the other moiety to the person or persons who shall sue for the same, to be recovered before the court of session, by any action summarily, without

\* The whole of the remainder of this section is repealed by the 16 Geo. 2. c. 11. § 1.

abiding the course of the roll, to make the public intimations required by the laws of *Scotland*, at the several parish churches within their respective jurisdictions, at least three days before the dyet of elections.

13 Ann. c. 6

5. Provided always, That the right of apparent heirs in voting at elections by virtue of their predecessors' infeoffments, and the right of husbands, by virtue of their wives' infeoffments, be and is hereby reserved to them, as formerly; any thing in this act contained to the contrary notwithstanding.

Saving the rights of heirs and husbands

6. Provided also, That any conveyance of right, which by the laws of *Scotland* is sufficient to qualify any person to vote in the elections of members to serve in parliament for shires or stewartries, and whereupon infeoffment is taken, on or before the first day of June, in the year of our lord 1713, shall entitle the person or persons so infeofft, to vote at the elections of members to serve in the next ensuing parliament; any thing herein contained to the contrary notwithstanding.

Any right whereof infeoffment is taken before 1st of June, 1713, shall entitle to vote for members of parliament.

7. Provided always, and it is hereby declared to be the true intent and meaning of this act, That no husbands shall vote at any ensuing election, by virtue of their wives' infeoffments, who are not heiresses, or have not right to the property of the lands on account whereof such vote shall be claimed.

Husbands not to vote by virtue of their wives' infeoffments, unless they are heiresses, &c.

A. D. 1713.

The Stat. 1 Geo. 1. c. 13.

*An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors.*

4. “AND whereas certain doubts and scruples  
 “ have arisen concerning the sense and meaning  
 “ of the clause following, contained in an act  
 “ made in the sixth year of her late majesty  
 “ queen Anne, intituled, *An act to make fur-*  
 “ *ther provision for electing and summoning*  
 “ *sixteen peers of Scotland, to sit in the house*  
 “ *of peers in the parliament of Great Britain;*  
 “ *and for trying peers for offences committed*  
 “ *in Scotland; and for the further regulating*  
 “ *of voters in elections of members to serve in*  
 “ *parliament;* whereby it is enacted, That  
 “ every person who shall refuse to take the oath  
 “ last therein-before cited, or, being a Quaker,  
 “ shall refuse to declare the effect thereof upon  
 “ his solemn affirmation, as directed by an act  
 “ of parliament, made in the seventh year of  
 “ the reign of his late majesty king William,  
 “ intituled, *An act that the solemn affirmation*  
 “ *and declaration of the people called Quakers,*  
 “ *shall be accepted instead of an oath in the*  
 “ *usual form,* (which oath or declaration, the  
 “ sheriff, president of the meeting, or chief  
 “ officer taking the poll at any election of mem-  
 “ bers to serve in the house of commons for any  
 “ place in *Great Britain,* or commissioners for  
 “ choosing burgesses for any place in *Scotland,*

6 Ann. c. 25.

7 & 8 W. 3. c.  
34.

1 Geo. 1. c. 13.

“ at the request of any candidate, or other per-  
 “ son present at such election, are hereby em-  
 “ powered and required to administer) shall not  
 “ be capable of giving any vote for the election  
 “ of any such member to serve in the house of  
 “ commons for any place in *Great Britain*, or  
 “ commissioners to choose a burgess for any  
 “ place in *Scotland*; on account of which  
 “ words, some have pretended to vote in the  
 “ meetings of free elections in *Scotland*, at the  
 “ choosing of the president and clerk of the  
 “ meeting, without taking the oath mentioned  
 “ in the last recited act, whereby it has hap-  
 “ pened that rolls of electors have been unduly  
 “ made up, and wrong returns made: And also,  
 “ whereas divers of his majesty’s good subjects,  
 “ who have given convincing marks of their  
 “ loyalty to his royal person and government,  
 “ have scrupled to take the said oath, appre-  
 “ hending that the reference in the said oath  
 “ may be construed, in some respects, to be in-  
 “ consistent with the establishment of the  
 “ church in *Scotland*, according to law, and to  
 “ a clause concerning oaths to be imposed in  
 “ *Scotland* after the union, contained in the  
 “ act made in the parliament of *Scotland* in the  
 “ year 1707, intituled, *An act for securing the*  
 “ *protestant religion, and presbyterian church*  
 “ *government*; which act is declared to be a  
 “ fundamental and essential condition of the  
 “ treaty of union.” To the end, therefore, that  
 the said scruples, and all mistakes and divisions  
 on account of the same may cease, be it further  
 enacted and declared by the authority aforesaid,  
 That every person who shall refuse to take the  
 aforesaid oath of abjuration, or, being a *Quaker*,  
 shall refuse to declare the effect thereof upon  
 his solemn affirmation, in manner aforesaid

Persons in  
*Scotland* refus-  
 ing to take the  
 abjuration oath  
 incapacitated  
 to vote at elec-  
 tions;  
 (see present oath  
 of abjuration,  
 ante, xxvii.)

1 Geo. 1. c. 18. (which oath and declaration the member last elected for any county or stewartry in *Scotland*; or in his absence the sheriff or steward's clerk, until a person be chosen to proceed in the said meeting, according to the directions contained in the twenty-first act of the third parliament of king Charles the second, held in *Scotland*, intituled, *An act concerning the election of commissioners for shires*, and after such choice the person so chosen to proceed, or any person chosen to proceed in any meeting of any county or stewartry there, in which rolls for elections shall happen to be made up, is hereby authorized and required to administer at the request of any candidate or other person present at such meeting for election, before or after the choosing of the president of the meeting, or making up of the rolls) shall not be capable of giving any vote for the election of a president of the meeting, making up of the rolls, or of any member to serve in the house of commons for any place in *Scotland*, or commissioner to choose a burgess for any place there; and further, that by no words in the said oath or oaths, formerly imposed, contained, it is or was meant to oblige his majesty's said subjects to any act or acts any ways inconsistent with the establishment of the church of *Scotland* according to law.

A. D. 1714.

[For the stat. 2 Geo. 2. c. 24. (*Bribery Act*) see ante, xiii. which act is extended to elections of delegates in *Scotland*, by the 16 G. 2. c. 11. § 33. but by § 38. repealed, as to the oath to be taken by the returning officer as far as relates to *Scotland*.]

The Stat. 7 Geo. 2. c. 16.

*An Act for the better regulating the Election of Members to serve in the House of Commons, for that Part of Great Britain called Scotland; and for incapacitating the Judges of the Court of Session, Court of Justiciary, and Barons of the Court of Exchequer in Scotland, to be elected, or to sit or vote as Members of the House of Commons.*

“ WHEREAS doubts may arise, whether the  
 “ acts of parliament made in *England* for pre-  
 “ venting false and undue returns of members  
 “ to serve in parliament, extend to that part of  
 “ *Great Britain* called *Scotland*: And whereas  
 “ several questions have arisen concerning the  
 “ election of commoners to serve in parliament  
 “ for that part of *Great Britain* :” Therefore,  
 to obviate such doubts, disputes, and questions  
 for the future, and for the more effectually pre-  
 venting returning officers, in that part of *Great*  
*Britain* called *Scotland*, making false and un-  
 due returns: May it please your majesty that it  
 may be enacted, and be it enacted by the king’s  
 most excellent majesty, by and with the advice  
 and consent of the lords spiritual and temporal,  
 and commons in this present parliament assem-  
 bled, and by the authority of the same, That if  
 the clerk of any meeting of freeholders for the  
 election of a commissioner to serve in parlia-  
 ment for any shire or stewartry in *Scotland*,  
 after the first day of May, 1734, shall wilfully  
 return to the sheriff or steward any person,  
 other than him who shall be duly elected, or if  
 any other person, pretending to be clerk,  
 though not duly elected, shall presume to act as

After 1 May,  
 1734, 500l. pe-  
 nalty on every  
 false return.



7 Geo. 2.  
c. 16.

clerk, and wilfully to return to the sheriff any person as elected, who shall not be duly elected by the major part of such meeting, the party so offending shall for every such offence forfeit the sum of five hundred pounds sterling, to be recovered by the candidate so elected, to whose prejudice such false return is made, in such manner as is hereinafter directed.

Freeholders  
on request, to  
take and  
subscribe the  
following oath  
instead of that  
appointed by  
the act 12  
Annæ, c. 6. § 1.

2. And be it further enacted, that every freeholder who shall claim to vote at any election of a member to serve in parliament for any lands or estate in any county or stewartry in Scotland, or who shall have right to vote in adjusting the rolls of freeholders, instead of the oath appointed to be taken by an act made in the 12th year of her late majesty queen Anne, intituled, *An act for the better regulating elections of members to serve in parliament for that part of Great Britain called Scotland*, shall, upon the request of any freeholder formerly enrolled, before he proceed to vote in the choice of a member, or on adjusting the rolls, take and subscribe, upon a roll of parchment to be provided and kept by the sheriff, or steward clerk for that purpose, the oath following, which the preses or clerk to the meeting, either for the enrolment or election, is hereby empowered and required to administer; that is to say,

“ I, *A. B.* do, in the presence of God, declare  
“ and swear, That the lands and estate of

\* See 16 Geo. 2. c. 11. § 30. substituting a penalty of equal amount, but to be recovered as under § 42 of that act: this was again altered by 14 Geo. 3. c. 81, by which the proceedings for penalties is to be upon fifteen days notice as directed herein.

“ for which I claim a right to vote in the elec-  
 “ tion of a member to serve in parliament for  
 “ this county or stewartry, is actually in my  
 “ possession, and do really and truly belong to  
 “ me, and is my own proper estate, and is not  
 “ conveyed to me in trust, or for or in behalf  
 “ of any other person whatsoever; and that  
 “ neither I, nor any person to my know-  
 “ ledge, in my name, or on my account, or by  
 “ my allowance, hath given, or intends to give,  
 “ any promise, obligation, bond, back-bond, or  
 “ other security whatsoever, other than appears  
 “ from the tenor and contents of the title, upon  
 “ which I now claim a right to vote, directly or  
 “ indirectly, for re-disponing or re-conveying  
 “ the said lands and estate in any manner of way  
 “ whatsoever, or for making the rents or profits  
 “ thereof forthcoming to the use or benefit of  
 “ the person from whom I have acquired the  
 “ said estate, or any other person whatsoever;  
 “ and that my title to the said lands and estate  
 “ is not nominal or fictitious, created or re-  
 “ served in me, in order to enable me to vote  
 “ for a member to serve in parliament; but that  
 “ the same is a true and real estate in me, for  
 “ my own use and benefit, and for the use of no  
 “ other person whatsoever; and that is the  
 “ truth, as I shall answer to God.”

7 Geo. 2.  
c. 16.



3. And that in case he shall refuse, if re-  
 quired, to take and subscribe the oath aforesaid,  
 his vote shall not be admitted or allowed, and  
 his name shall forthwith be erased out of the  
 roll of freeholders; and in case any person shall  
 presume wilfully and falsely to swear and sub-  
 scribe the said oath, and shall be thereof law-  
 fully convicted, he shall incur the pains and  
 punishment of perjury, and be prosecuted for

In case of re-  
fusal, vote not  
to be admit-  
ted, and name  
erased out of  
roll.

Penalty on  
falsely swear-  
ing or sub-  
scribing.

7 Geo. 2.  
c. 16.

the same according to the laws and forms in use in *Scotland*.

Judges of session, justiciary, or exchequer, incapable to be elected.

4. And be it further enacted, That no judge of the court of session, or justiciary, or baron of the court of exchequer in *Scotland*, shall be capable of being elected, or of sitting or voting as a member of the house of commons in any parliament which shall be hereafter summoned and holden.

Sheriffs four days after receipt of the writs to issue precepts for choosing delegates,

5. And be it further enacted, by the authority aforesaid, that the several sheriffs and stewarts in *Scotland* shall, within the space of four days after the writ shall come to their hand, issue their precepts to the several boroughs within their jurisdiction to elect their delegates; and shall cause the same to be delivered to the chief magistrate of such borough resiant in the borough for the time being; and that such chief magistrate, to whom such precept shall be delivered, shall within two days after his receipt of the same, call and summon the council of the borough together, by giving notice personally, or leaving notice at the dwelling place of every counsellor then resiant in such borough, which council shall then appoint a peremptory day for the election of the delegate; but two free days shall intervene between the meeting of the council which appoints the day of election of the delegate, and the day on which the election of the delegate is to be made.

and chief magistrate two days after to summon the council of the borough.

Council to appoint a day for electing delegates.

No counsellor or magistrate to separate from the majority at the annual elec-

6. And to prevent double elections of magistrates in boroughs, which frequently occasion double commissions to delegates, Be it enacted, by the authority aforesaid, that at the annual

election of magistrates and counsellors for boroughs, no magistrate or counsellor, or any number of magistrates or counsellors, shall, for the future, upon any pretence whatever, take upon him or them to separate from the majority of the magistrates and counsellors, who have been such for the year preceding, and to appoint or elect separate magistrates or counsellors, but shall submit to the election made, and to the magistrates and counsellors elected and appointed by the majority of the town council assembled; and if, contrary to the direction of this act, any number of magistrates or counsellors shall, in opposition to the majority, take upon them to make a distinct and separate election of magistrates or counsellors, their act and election shall be *ipso facto* void, and every magistrate or counsellor, who concurred therein, shall forfeit and lose the sum of one hundred pounds sterling, to be recovered by the magistrates and counsellors, from whom they separated, in manner hereinafter directed.

7 Geo. 2.  
c. 16.

tion for boroughs, and elect separate magistrates or counsellors, but to submit to the election made by the majority of the town council.

On penalty of 100*l*.

(See post 16 Geo. 2. c. 11. § 22.)

7. Provided always, and it is hereby declared and enacted, that it shall and may be lawful to and for any magistrate or counsellor of the borough, who apprehends any wrong was done at any annual election, to bring his action before the court of session in *Scotland*, for rectifying such abuse, or for making void the whole election (if illegal) only within the space of eight weeks after such election is over; and the lords of session shall, and they are hereby expressly authorised and required to hear and determine the cause summarily, and to allow to the party that shall prevail their full costs of suit.

Magistrates or counsellors of boroughs apprehending wrong done at any annual election, may bring their action within eight weeks after election.

7 Geo. 2.  
c. 16.

500l. penalty  
on sheriffs,  
stewarts, or  
clerks of  
presiding  
burghs making  
false returns.

To be reco-  
vered in a  
summary way,  
before the  
court of ses-  
sion.

Complaints of  
undue returns  
to be com-  
menced in six  
months after  
return.

Who may sue  
for such pe-  
nalty,

and in what  
time.

8. And be it further enacted, that every sheriff or stewart in *Scotland*, who shall wilfully annex to the writ any false or undue return, and every common clerk of any presiding borough, who shall wilfully return to the sheriff or stewart any person; other than the person elected, or who shall neglect or refuse to return the person duly elected, shall forfeit the sum of five hundred pounds sterling to the person entitled to have been returned, and not returned, to be recovered from the said sheriff, stewart, or common clerk, their heirs, executors, or administrators respectively, in a summary way, by action, petition, or summary complaint, before the said court of session, upon service of such summons, or of a copy of such petition or summary complaint, on fifteen days notice or warning, without abiding the course of any rolls, or further delay whatsoever; which action, petition, or complaint, the judges of the said court are hereby required to judge of, and determine with all convenient speed: provided always, that such action, petition, or complaint be commenced, presented, or made within the space of six months after the return is made. And in case the person duly elected, and not returned, shall neglect or omit to sue for the said penalty within the time before mentioned, then any freeholder within the shire or stewartry, or any magistrate or person bearing office in any of the boroughs of the district for which the return is unduly made, may sue for and recover the same to his own use, by such action, petition, or complaint, and in such manner as is before mentioned, with double costs of suit; provided always, that such freeholder magistrate, or person bearing office, shall commence

or bring such action within the space of twelve months after the return is made.

7 Geo. 2.  
c. 16.



9. And be it enacted, by the authority aforesaid, that every penalty by this act imposed, with respect to the discovery of which no particular provision is herein before made, shall and may be sued for and recovered by way of summary complaint before the court of session in *Scotland*, upon fifteen days notice to the person complained of, without abiding the course of any roll; which said complaint the court of session is hereby authorised and required to determine with all convenient speed.

Penalties how  
to be recovered.

(See 16 Geo. 2.  
c. 11. § 24. altering the fifteen  
to thirty days,  
and the 14 Geo.  
3. c. 81. § 1.  
again altering it  
to fifteen.)

10. And be it further enacted, that every freeholder in *Scotland* shall, before he be either inrolled or admitted to vote at any future election, or meeting for inrolment, in any question for the choice of clerk or præses, or other question whatsoever (if required by any freeholder present) be obliged to take and subscribe the oaths appointed by law to be taken by electors of members to serve in parliament, when required so to do; which oath the preses or clerk of the meeting is hereby empowered and required to administer.

Freeholders, if  
required, to  
take the oaths  
at the election  
of a clerk, &c.

11. “ And whereas there have been some mistakes in the district of the boroughs of *Wigtoun*, *Whithorn* *New Galloway*, and *Stranraer*, in relation to their presiding at elections of members of parliament for that district, which may occasion disputes at future elections:” for remedying thereof, Be it enacted, that the boroughs continue to preside in the course they are now in, and that the borough of *Wigtoun* shall preside at the elec-

Method of pre-  
siding at elec-  
tions.

7 Geo. 2.

c. 16.

tion of a member to represent that district in the next parliament, and that the other boroughs of the district preside afterwards in the method prescribed by the act of parliament of *Scotland*, made in the fourth session of the first parliament of queen Anne, intituled, *An act for settling the manner of electing the sixteen peers, and forty-five commoners, to represent Scotland in the parliament of Great Britain.*  
A. D. 1734,

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The Stat. Anno 16<sup>o</sup> George 2. Cap. 11.

*An Act to explain and amend the Laws touching the Elections of Members to serve for the Commons in Parliament, for that Part of Great Britain called Scotland; and to restrain the Partiality, and regulate the Conduct, of Returning Officers at such Elections.*

“ WHEREAS many returning officers of mem-  
 “ bers to serve for the commons in parliament  
 “ for that part of *Great Britain* called *Scotland*,  
 “ have of late presumed to act in a most par-  
 “ tial and arbitrary manner, sometimes upon  
 “ false pretences, that the rolls of electors of  
 “ commissioners for shires were not regularly  
 “ made up, or that the commissioners for the  
 “ several boroughs intituled to vote in the  
 “ choice of a member for the respective dis-  
 “ tricts of boroughs were not duly elected,

16 Geo. 2  
c. 11.

“ or were not authorised by proper commis-  
 “ sions, and sometimes without any pretence  
 “ at all, encouraged thereto from hopes of im-  
 “ punity, by reason that the laws in being have  
 “ either provided no sufficient punishment for  
 “ such offences; or where penalties are pro-  
 “ vided, it has been found by experience to be  
 “ extremely difficult, and scarcely possible to  
 “ recover them:” For remedy thereof, Be it  
 enacted, by the king’s most excellent majesty,  
 by and with the advice and consent of the  
 lords spiritual and temporal, and commons in  
 this present parliament assembled, and by the  
 authority of the same, that so much of an act  
 of parliament made in the 12th year of the  
 reign of her late majesty queen Anne, intituled,  
 “ *An Act for the better regulating the elec-*  
 “ *tions of members to serve in parliament, for*  
 “ *that part of Great Britain called Scot-*  
 “ *land,*” as enacts, that no person or persons,  
 who have not been inrolled, and voted at for-  
 mer elections, shall, upon any pretence what-  
 soever be inrolled, or admitted to vote at any  
 election, except he or they first produce a suffi-  
 cient right or title to qualify him or them to  
 vote at that election, to the satisfaction of the  
 freeholders formerly inrolled, or the majority  
 of them present, and ordains the returning  
 officers to make their returns of the persons  
 elected, by the majority of the freeholders in-  
 rolled, and those admitted by them, reserving  
 always the liberty of objecting against the  
 persons admitted to, or excluded from, the  
 roll as formerly, shall be and is hereby re-  
 pealed.

Part of the  
 act 12 Ann.  
 st. 1. c. 6. § 3.  
 repealed.

“ 2. And whereas the rolls of electors of com-  
 “ missioners to serve in parliament for the several



16 Geo. 2. c. 11.



(ante. cii.)

Act made in Scotland, 1681, strengthened. Such persons as stand upon the roll last made up by the freeholders to be the constituent members to revise the roll.

“ shires and stewartries within that part of *Great Britain* called *Scotland*, have not, in every one of the said shires and stewartries, been made up every year, at the *Michaelmas* head courts, pursuant to the directions of an act of parliament made in that part of *Great Britain* called *Scotland*, in the year 1681, intituled, *An act concerning the election of commissioners for shires:*” for remedy thereof, and the more effectually to carry the good intentions of the said act into execution; Be it enacted, and declared by the authority aforesaid, that such persons as stand upon the roll last made up by the freeholders, whether at the *Michaelmas* meeting, or at the last election of a member to serve in parliament, shall be the original constituent members at their next *Michaelmas* meeting, or meeting for election, to revise the said roll.

Freeholders may object to the title of any person standing then upon the roll.

3. Provided always, and be it enacted by the authority aforesaid, that it shall and may be lawful for any freeholder standing upon the roll, to object to the title of any person who stands at present upon the roll last made up, and for that purpose to apply at any time before the first day of December, which shall be in the year of our Lord 1743, by summary complaint to the court of session, who shall grant a warrant for summoning such persons upon thirty days notice to answer, and shall proceed in a summary way, to hear and determine upon such complaint; and if no such complaint shall be exhibited within the time aforesaid, then and in that case no freeholder, who at present stands upon the rolls last made up in the said counties and stewartries respectively, shall be struck off or left out of the roll, except upon sufficient objections aris-

ing from the alteration of that right or title, in respect of which he was inrolled, sustained by the ~~other~~ freeholders standing upon the said roll. 16 Geo. 2.c. 11.

4. And be it enacted, by the authority aforesaid, that if at any *Michaelmas* meeting, or meeting for election, any person claiming to be inrolled, shall by judgment of the freeholders be refused to be admitted, or if any person who stood upon the roll shall by like judgment be struck off, or left out of the roll; it shall and ~~may~~ be lawful for him or them who is so refused ~~to be~~ admitted, or whose name is so struck off or left out of the roll, to apply (so as such application be made within four calendar months after their being so refused, struck off, or left out) by summary complaint ~~to~~ the court of session, who shall grant a warrant for summoning the person or persons upon whose objection or objections he was refused to be admitted, or was struck off or left out as aforesaid, upon thirty days notice to answer, and shall proceed to hear and determine in a summary way on such complaint; and if ~~any~~ person shall be inrolled, whose title shall be thought liable to objection, it shall and may be lawful for any freeholder standing upon the said roll (whether such freeholder was present at the meeting or not) who apprehends that such person had not a right to be inrolled, to apply in like manner by complaint to the court of session, so as such application be made within ~~four~~ calendar months after such inrolment; and the said court, after service of such complaint, on thirty days notice, upon ~~the~~ person said to be wrongfully admitted to the roll, shall in manner aforesaid hear and determine; and if no such complaint shall be

If a person claiming to be inrolled is refused, or if a person is struck off the roll,

either may appeal to the court of session.

So any freeholder may appeal against the inrolment of another.

Court of session to determine.

16 Geo. 2. c. 11. exhibited within the time aforesaid, the freeholder inrolled shall stand and continue upon the roll until an alteration of his circumstances be allowed by the freeholders at a subsequent *Michaelmas* meeting, or meeting for election; as a sufficient cause for striking or leaving him out of the roll.

Officers not obeying the court of session,

5. And be it enacted, by the authority aforesaid, that if, in any of the aforesaid cases, the judgment of the court of session shall alter or reverse the determination of the meeting of the freeholders, by directing that any person shall be added to, or expunged from, the roll of election, the sheriff or steward's clerk shall, upon presenting to him the extract of such judgment, forthwith make the alteration thereby directed in the books ~~that~~ are kept by him; and in case of his refusal or delay, he shall forfeit the sum of one hundred pounds sterling to the person in whose favour the judgment of the court of session is given, to be recovered by him or his executors in the manner herein-after directed.

to forfeit 100l.

Appellant, if the court of session affirm the freeholders' order, to forfeit to the objector 30l. and costs.

6. And be it further enacted, by the authority aforesaid, that if ~~the~~ judgment of the freeholders refusing to admit, or striking off any person from the said roll shall be affirmed by the court of session, the person so complaining shall forfeit to the objector the sum of thirty pounds sterling, with full costs of suit.

Manner of acting to prevent surprise, on freeholder's claiming to be inrolled;

7. And be it enacted, ~~by~~ the authority aforesaid, that to prevent all surprise, at the *Michaelmas* meetings, every freeholder who intends to claim to be inrolled at any subsequent *Michaelmas* meeting of the freeholders, shall, for the space of two calendar months at least

before the said *Michaelmas* meeting, leave with the sheriff or steward's clerk a copy of his claim, setting forth the names of his lands, and his titles thereto, and dates thereof, with the old extent or valuation, upon which he desires to be inrolled, and in case of his neglect to leave his claim as aforesaid, he shall not be inrolled at such *Michaelmas* meeting; and in like manner, whoever intends to object to any freeholder who stands upon the roll, on account of the alteration of his circumstances, shall, at least two calendar months before the *Michaelmas* meeting, leave his objections in writing with the sheriff or steward's clerk as aforesaid, who is hereby required, upon receipt of the aforesaid claim or objections, to indorse on the back thereof the day he received the same, and also to give a copy of the aforesaid claim or objections, to any person who shall demand the same, upon paying the legal fee of an ordinary extract of the same length.

17 Geo. 2. c. 21.

or on making  
objections to  
others already  
inrolled.

8. " And whereas great difficulties have occurred in making up the rolls of electors of commissioners for shires, by persons claiming to be inrolled, in respect of the old extent of their lands, where the old extent does not appear from proper evidence, and votes have been unduly multiplied by splitting and dividing the old extent of lands, since the sixteenth day of September, 1681:" for remedy thereof, be it enacted and declared by the authority aforesaid, that no person is or shall be entitled to vote for a commissioner to serve in parliament, for any shire or stewartry in that part of *Great Britain* called *Scotland*, or to be inrolled in the roll of electors, in respect of the old extent of his lands, holden of the king or

None to vote  
for commis-  
sioners for  
shires, &c. or  
to be enrolled  
in the roll of  
electors, in  
respect of the  
old extent of  
his lands,  
holden of the  
king or prince,  
unless

16 Geo. 2. c. 11.

proved by a  
retour prior to  
16th Sept.  
1681.

Division of old  
extent to mul-  
tiply electors  
prohibited.

Proviso.

Lands holden  
of the king or  
prince, taxable  
at 400*l.* to be  
a qualification,  
whatever be  
the old extent.

How a pur-  
chaser shall  
act before he  
is inrolled ;

also an heir  
apparent.

Persons may  
send their  
vouchers, and  
be inrolled,  
though absent.

Every one  
chosen in his  
absence, to  
serve in par-  
liament, before  
he takes his

prince, unless such old extent is proved by a retour of the lands of a date prior to the sixteenth day of September, 1681, and that no division of the old extent, made since the afore-said sixteenth day of September, 1681, or to be made in time coming, by retour or any other way, is or shall be sustained as sufficient evidence of the old extent.

9. Provided always, that lands holden of the king or prince, liable in public burdens for four hundred pounds *Scots* of valued rent, shall in all cases be a sufficient qualification, whatever be the old extent of the said lands ; any law or practice to the contrary notwithstanding.

10. And be it further enacted, by the authority aforesaid, that no purchaser, or singular successor, shall be inrolled till he be publicly infeoft, and his seisin registered, or charter of confirmation be expedite where confirmation is necessary, one year before the inrolment ; and that no heir apparent shall be inrolled, until his predecessor's titles are produced, and allowed by the freeholders, as a sufficient qualification for his voting for a member of parliament ; and that any person may be inrolled, though absent at the time of such inrolment, provided the titles and vouchers of his qualification are produced, and laid before the freeholders ; and if any person shall be chosen a member to serve in parliament for any shire or stewartry within that part of *Great Britain* called *Scotland*, who shall not be present at the meeting of election ; be it enacted by the authority aforesaid, that the member to serve in parliament so elected, before he takes his seat in parliament, shall take the oath appointed to be taken by every free-

holder, who shall claim to vote at any election of a member to serve in parliament, by the act of the seventh year of his present majesty, intituled, "*An act for the better regulating the election of members to serve in the house of commons, for that part of Great Britain called Scotland; and for incapacitating the judges of the court of session, court of justiciary, and the barons of the court of exchequer in Scotland, to be elected, or to sit or vote as members of the house of commons,*" before the lord steward of his majesty's household, or any person or persons authorized by him for that effect, which he or they are hereby impowered and required to administer; and if a member to serve in parliament, so elected, shall neglect or refuse to take the aforesaid oath, such election shall be void.

16 Geo. 2. c. 11.

seat, shall take the freeholder's oath, appointed by 7 Geo. 2. c. 16.

Before the lord steward of the king's household.

On refusing the oath, the election to be void.

11. And be it further enacted, by the authority aforesaid, that at the annual meetings of the freeholders at *Michaelmas*, the original constituent members shall be such persons only as shall stand upon the roll, that shall have been last made up, whether at a *Michaelmas* meeting, or at a meeting for an election of a member to serve in parliament, and that a copy signed and extracted of the roll made up by the freeholders at their *Michaelmas* meetings, or meetings for elections, together with the minutes of their proceedings at their said meetings, shall, by the respective clerks of such meetings, be forthwith delivered to the sheriff or steward's clerk *gratis*, and shall be inserted in books to be kept by the said sheriff or steward's clerk for that purpose, who shall forthwith deliver copies of the same, extracted and signed, to any freeholder who shall desire the same, paying the

Who are to be original constituent members.

Minutes of proceedings to be entered in books kept by the sheriff or steward's clerk.

16 Geo. 2. c. 11.

Minute-books  
to be produced  
at public meet-  
ings.

100l. penalty  
on refusal.

100l. penalty  
on giving false  
copies of the  
minutes.

The roll of  
electors last  
made up, shall  
be used at the  
next election.

legal fee for an ordinary extract of the same length, and shall at every subsequent meeting at *Michaelmas*, or meeting for any election, produce the said books, for the use of the freeholders; and in case such sheriff or steward's clerk shall neglect or refuse to enter the aforesaid rolls of election, or minutes of proceedings, into books so to be kept for that purpose as aforesaid, or shall neglect or refuse to give copies thereof, extracted and signed, or shall omit to produce the books at any subsequent meeting as aforesaid, he shall for every such offence forfeit the sum of one hundred pounds sterling to be recovered by any freeholder, within such shire or stewartry, who shall sue for the same, in such manner as is hereafter directed; and if the aforesaid principal books, containing the rolls and minutes as aforesaid, shall not be produced at the *Michaelmas* meetings, or meetings for election, a copy of the said roll and minutes, extracted and signed by the sheriff or steward's clerk, shall be sufficient; and if the sheriff or steward's clerk shall give out false copies of the said roll or minutes, extracted and signed by him, he shall for every such offence forfeit the sum of one hundred pounds sterling to the person to whom the false copy is given, to be recovered by him or his executors, in the manner hereinafter directed, and shall be for ever after incapable of holding or enjoying his said office.

12. And be it further enacted, by the authority aforesaid, that at every election of a commissioner to serve in parliament for any shire or stewartry, within that part of *Great Britain* called *Scotland*, the roll of electors which shall be ~~last~~ made up by freeholders, whether at the *Michaelmas* meeting, or at the last elec-



tion of a member to serve in parliament, shall be the roll to be called over by the commissioner last elected, or in his absence by the sheriff or steward's clerk, in order to the election of preses and clerk, as also by the preses after he is chosen, for the choice of the member to serve in parliament, and for the determination of all the questions that shall arise in the adjusting the roll, and in the course of the election, excepting so far as the said roll shall, after the meeting is duly constituted by the choice of preses and clerk, be altered by judgment of the majority of the freeholders standing on that roll, by leaving out those whose circumstances are altered, and by adding others, who produce proper titles.

16 Geo. 2.  
c. 11.



13. And be it further enacted, by the authority aforesaid, that at every meeting for an election of a commissioner to serve in parliament, if the commissioner last elected, or in his absence the sheriff or steward's clerk, shall, in the choice of preses or clerk, receive the vote of any person that does not stand upon the said roll, he shall, for every such offence, forfeit the sum of three hundred pounds sterling to every candidate for the office of preses or clerk respectively, for whom such person shall not have given his vote, to be recovered by him or them, his or their executors respectively, in manner herein-after directed; or if the commissioner last elected, or in his absence the sheriff or steward's clerk, shall, in the choice of preses or clerk, not call for, or shall refuse the vote of any person whose name is upon the said roll, he shall, for every such offence, forfeit the like sum of three hundred pounds sterling to the person whose name shall not be

300l. penalty  
for taking false  
vote, in the  
choice of  
preses.

The like pe-  
nalty on refus-  
ing good votes.



16 Geo. 2.  
c. 21.

200l. penalty  
on preses re-  
ceiving bad

The like pe-  
nalty for refus-  
ing good votes.

On equality of  
votes, in choos-  
ing preses or  
who shall have  
the casting  
vote.

In choice of  
commissioner  
preses to have  
casting vote.

called for, or whose vote shall be refused, to be recovered by him, or his executors, in the manner herein-after directed; and if the preses after he is chosen shall, in the election of the member to serve in parliament, receive the vote of any person who does not stand upon the roll duly made by the said meeting, he shall, for every such offence, forfeit the sum of two hundred pounds sterling to every candidate for whom such person shall not have given his vote, to be recovered by him, or his executors, in the manner herein-after directed; or if the preses after he is chosen shall, in the election of the member to serve in parliament, not call for, or shall refuse the vote of any person whose name is upon the said roll so made up, as aforesaid, he shall, for every such offence, forfeit the like sum of two hundred pounds sterling to the person whose name shall not be called for, or whose vote shall be refused, to be recovered by him or his executors, in the manner herein-after directed: and it is hereby declared, that in case of equality of votes in the choice of preses or clerk, the commissioner last elected, and in his absence any freeholder present who last represented the shire or stewartry in any former parliament; and if no such person is present, the freeholder present who presided last at any meeting for any election, and in his absence the freeholder who last presided at any *Michaelmas* meeting; and if none of the said persons who shall be present, the freeholder present who stands first on the roll, shall, besides their own votes as freeholders, have the casting and determining vote, and that the preses chosen, shall, after his election, in the choice of the commissioner to serve in parliament, and all other questions, where

the votes are equal, in like manner, besides his own vote as a freeholder, have the casting and determining vote.

16 Geo. 2.  
c. 11.



14. And be it further enacted, by the authority aforesaid, that the persons chosen to be preses and clerk, by the majority of the freeholders present, standing on the said roll, shall be preses and clerk of the meeting for such election; and it shall not be lawful for any number of freeholders to separate from the majority of the persons present, who stand upon the said roll, and set up any person as preses or clerk, other than those who shall be chosen by the majority of the freeholders present, standing on the said roll, and that it shall not be lawful for any person to act as preses or clerk at any such election, unless they are chosen by the majority of persons standing on the said roll; and every freeholder who shall so separate from the majority of the freeholders on the roll, and set up any person as preses or clerk, other than those who shall be chosen by the majority as aforesaid, he shall for every such offence forfeit the sum of fifty pounds sterling, to the candidate who shall be chosen by the majority of the freeholders from whom such separation was made; to be recovered by him, or his executors, in the manner hereinafter directed: and if any person presume to act as preses or clerk, who is not chosen by the majority of the freeholders present, standing on the said roll, he shall, for every such offence, forfeit the sum of two hundred pounds sterling to the candidate who shall be chosen by the majority of the freeholders, as aforesaid, to be recovered by him or his executors, as hereinafter directed.

Preses and clerk to be chosen by the majority of the freeholders present; standing on the roll.

No separated party shall choose another.

Nor shall any other act.

50l. penalty on separating from the freeholders.

200l. penalty on acting as preses or clerk, without any authority.

16 Geo. 2.  
c. 11.

Minutes of  
election of  
clerk to be  
signed, and de-  
livered to the  
clerk chosen.

100l. penalty  
on refusing to  
sign and deli-  
ver them, or  
on signing  
false minutes.

Clerk to make  
a true return.

500l. penalty  
on refusing,  
or making a  
(false one, in-  
stead of pen-  
alty of 7 Geo. 2.  
c. 16. § 1. 8.)

15. And be it further enacted, by the authority aforesaid, that the commissioner last elected, or in his absence the sheriff or steward's clerk, shall sign the minutes of the election of preses and clerk, and deliver the same to the clerk chosen by the majority of the freeholders, as aforesaid; and if the commissioner last elected, or in his absence, the sheriff or steward's clerk, shall neglect or refuse to sign the aforesaid minutes of election of preses and clerk, and deliver the same to the clerk chosen, as aforesaid, or shall sign false minutes thereof, he shall, for every such offence, forfeit the sum of one hundred pounds sterling to the person elected preses, as aforesaid, to be recovered by him, or his executors, in the manner hereafter directed.

16. And be it further enacted, by the authority aforesaid, that the clerk chosen by the majority of the freeholders on the aforesaid roll, shall return to the sheriff or steward such person as shall be elected by the majority of the freeholders on the roll made up at the meeting for election, in the manner aforesaid; and if the clerk chosen, as aforesaid, shall refuse or neglect to return the person elected by the majority of the freeholders on the roll, made up at the meeting for election, or shall return any person other than him who shall be elected by the majority of the freeholders, as aforesaid, he shall, for every such offence, instead of the penalty or forfeiture to which he is made liable by the aforesaid act made in the 7th year of his present majesty, forfeit the sum of five hundred pounds sterling to the candidate chosen by the majority

of the freeholders on the aforesaid roll; to be recovered by him or his executors, in the manner hereinafter directed.

16 Geo. 2.  
c. 11.

17. And be it further enacted, by the authority aforesaid, that every sheriff or steward of any shire or stewartry, within that part of *Great Britain* called *Scotland*, upon producing to him a copy of the aforesaid roll last made up by the freeholders at the last *Michaelmas* meeting, or at the last election of a member to serve in parliament, extracted and signed by the sheriff or steward's clerk, and upon producing and shewing to him the original minutes of the election of preses and clerk signed by the commissioner last elected, or in his absence, by the sheriff or steward's clerk, shall annex to the writ the return made by the clerk chosen by the majority of the freeholders on the aforesaid roll; and if any such sheriff or steward shall neglect or refuse to annex to the writ such return, or if he shall annex to the writ the return made by any other person pretending to be clerk to the election, he shall, for every such offence, instead of the penalty or forfeiture to which he is made liable by the aforesaid act made in the 7th year of his present majesty, forfeit the sum of five hundred pounds sterling, to the person returned by the clerk, and chosen by the majority of the freeholders on the aforesaid roll, to be recovered by him or his executors, in the manner hereinafter directed.

The return to be annexed to the writ, by sheriff, on production to him of roll, &c. and of minutes of election of preses and clerk, signed as herein.

500l. penalty on sheriff refusing, &c. or annexing to the writ any other return instead of penalty of 7 Geo. 2. (c. 16. § 8.) and see post, § 31.

18. And be it further enacted, by the authority aforesaid, that every sheriff or steward of any shire or stewartry, within that part of *Great Britain* called *Scotland*, shall hold the

16 Geo. 2.  
c. 11.

The *Michaelmas* head court shall be held on the usual day;

at least fourteen days before *Michaelmas*.

To be intimated in parish churches eight days before.

*Michaelmas* head court in all time to come, on the day on which it shall appear to him to have been most usually held in times past; and to prevent all uncertainty in time coming, every sheriff or steward shall, at least fourteen days before *Michaelmas* next, appoint a precise day for holding his *Michaelmas* head court, in the year 1743; and shall cause intimate the day of holding his court at all the parish churches within his said shire or stewartry upon a *Sunday*, at least eight days preceding the next *Michaelmas* head court: and it is hereby declared, that the days so to be appointed by the said sheriff or steward before *Michaelmas* next, shall be the anniversary for holding the *Michaelmas* head court of the said shire or stewartry in all time coming.

Usage of the shire of *Sutherland*.

19. “ And whereas by the constitution of the shire of *Sutherland*, and by constant usage, the small barons of the said shire have been represented in parliament, not only by the immediate vassals of the king and prince, but also by those who held their lands of the earls of *Sutherland*, or of other subject superiors, and such vassals holding their lands of subject superiors, have been in use to vote at the election of the commissioners for the said shire of *Sutherland*, as well as the vassals of the king and prince, and that without any restriction as to the *quota* of the old extent, or of the valued rent of the lands, in respect whereof a right to vote at such elections, or to be elected commissioner for the said shire was claimed, and thereby votes have been unduly multiplied, and several persons have claimed a vote in respect of the superiority and property of the same lands, whereby

“ great confusions are likely to ensue in future elections ;” for remedy thereof, be it further enacted, by the authority aforesaid, that from and after the first day of September, which shall be in the year of our Lord 1745, no person shall be capable to be elected commissioner for the said shire, or shall have right to vote at such election, unless he be infeft, and in possession of lands liable to his majesty’s supplies, and other public burthens, at the rate of two hundred pounds *Scots* valued rent.

16 Geo. 2.  
c. 11.

Candidates and electors for *Sutherland* must be infeft and possessed of lands taxable at 200*l.* *Scots*.

20. And be it further enacted, by the authority aforesaid, that one person, and no more, shall be intitled to vote at such elections, or to be elected, in respect of the same lands; and that where lands are now holden by any baron, or other freeholder, immediately of the king or prince, such baron or freeholder shall be capable to be elected, and shall be entitled to vote for those lands; and no vassal, or subvassal of the said baron or freeholder, shall have right to vote, or be elected in respect thereof; and that where lands are now holden, or shall at any time hereafter be holden of the king or prince, by a peer or other person, or body politic or corporate, who by law are disabled to be a member of the house of commons, or to vote in such elections; in such case the proprietor and owner of such lands, and not any of his superiors, shall be entitled to vote, or to be elected, in respect of the same lands; and that no alienation of the superiority to be made by such peer, or other person, or body politic, incapable to elect or to be elected, shall deprive the proprietor and owner of the lands of his right to vote in the elections for the said shire, or his capacity to be elected; nor entitle

One person only capable to elect or be elected for the same lands:

Candidates and electors to hold their lands immediately from the king or prince.

In what cases the proprietors only shall vote.

16 Geo. 2.  
c. 11.

Lands held  
part of the  
king, and part  
of a peer, &c.  
shall qualify  
the owner to  
elect or be  
elected, for  
the said shire.

the purchaser of the said superiority to vote, or to be elected; and that the property of lands, of the valuation aforesaid, holden in part immediately of the king or prince, and in part of a peer, or other person, or body politic incapable to elect, or to be elected, shall be a sufficient qualification to the proprietor and owner of such lands, and shall entitle such proprietor to vote, and to be elected for the said shire; any law or usage to the contrary notwithstanding.

When free-  
holders in  
*Sutherland*  
shall meet and  
make a roll.

Roll to be re-  
vised yearly  
at the *Michaelmas*  
meetings.

21. And be it enacted, by the Authority aforesaid, that the freeholders and proprietors, having right to elect, or to be elected a commissioner for the shire of *Sutherland*, shall meet at the head borough of the said shire, at the *Michaelmas* head court, which shall be in the year of our Lord 1745, and shall make up a roll of the electors having right to vote in the choice of a commissioner, in the terms of this present act, and of the other acts of parliament, made touching the election of commissioners for shires in *Scotland*; and which roll, so made up, shall be revised yearly at the *Michaelmas* meetings, at and after elections, according to the rules prescribed in this act, and in other acts made for regulating the elections of commissioners for shires in that part of *Great Britain* called *Scotland*: and it is hereby declared, that the said acts of parliament do extend to the shire of *Sutherland* as well as to the other shires in *Scotland*, except in so far as it is otherwise provided by this present act.

22. “ And whereas at the election of members  
“ to serve in parliament for the districts of bo-  
“ roughs in that part of *Great Britain* called



“ *Scotland*, it often happens that more persons  
 “ than one claim to be admitted to vote as com-  
 “ missioners for the same borough, which fur-  
 “ nishes pretences to the clerks of the presiding  
 “ boroughs for partially making false and undue  
 “ returns:” for remedy thereof, be it enacted, by  
 the authority aforesaid, that at the annual election  
 of magistrates and counsellors, and in all the pro-  
 ceedings previous to the election of the magis-  
 trates and counsellors for the succeeding year,  
 it shall not be lawful for the minority of any  
 meeting for election, either of magistrates or  
 counsellors, or deacons, or other persons, who  
 by the constitution of the respective boroughs  
 may have votes in the election of magistrates or  
 counsellors, to separate from the majority of  
 those having right to act by the constitution of  
 the burgh at such meetings, upon any pretext  
 whatsoever; nor to make any separate election  
 of magistrates, counsellors, or electors; but the  
 minority shall in all cases submit to the election  
 made by the majority in all the parts of election;  
 and if any person elected by the minority of any  
 such meeting, shall presume to vote in the elec-  
 tion of magistrates or counsellors, or in electing  
 the magistrates or counsellors, or in any other  
 step of the election, he shall forfeit the sum of  
 one hundred pounds sterling to any one of the  
 majority of such meeting, to be recovered by  
 him in the manner hereafter directed.

16 Geo. 2.  
c. 11.

At annual elec-  
tions, &c. the  
minority shall  
not separate  
from the  
majority.

(See *ante*, 7.  
Geo. 2. c. 16.  
§ 6.)

100l. penalty  
on offenders.

23. And be it further enacted, by the autho-  
 rity aforesaid, that no person elected to be a  
 magistrate or counsellor by a minority of those  
 having right to vote in elections of the magis-  
 trates and counsellors, shall, upon any pretext  
 whatsoever, presume to act as magistrate or  
 counsellor, and if any person shall notwith-

No person  
elected by the  
minority, shall  
have a right to  
act.



16 Geo. 2.  
c. 11.

100l. penalty  
on acting when  
so chosen.

Wrongs done  
by the majori-  
ty, may be re-  
dressed by the  
court of ses-  
sion.

(See 14 Geo. 3.  
c. 81. § 1.

standing presume to act as magistrate or counsellor, he shall, for every such offence, forfeit the sum of one hundred pounds sterling, to the magistrates or counsellors elected by the majority, or to any of them who shall sue for the same, to be recovered by him or them in the manner hereinafter directed.

24. Provided always, and it is hereby declared and enacted, that it shall and may be lawful to and for any constituent member at any meeting for election of magistrates or counsellors, or of any meeting previous ~~to~~ that for the election of magistrates and counsellors respectively, who shall apprehend any wrong to have been done by the majority of such meeting, to apply to the said court of session, by a summary complaint for rectifying such abuse, or for making void the whole election made by the said majority, or for declaring and ascertaining the election made by the minority, so as such complaint be presented to the said court of session within two calendar months after the annual election of the magistrates and counsellors; and the said court shall thereupon grant a warrant for summoning the magistrates and counsellors elected by the majority, upon thirty days notice, and shall hear and determine the said complaint summarily, without abiding the course of any roll, and shall allow to the party who shall prevail, their full costs of suit.

25. “ And whereas the magistrates and counsellors of the royal boroughs in that part of *Great Britain* called *Scotland*, by virtue of several laws now in force, are bound to take and subscribe the oath of allegiance, subscribe the

“assurance, and to take and sign the oath of  
 “abjuration, for and on account of their election  
 “into their respective offices; and that in his ma-  
 “jesty’s courts of session, justiciary, or exche-  
 “quer, at *Edinburgh*, or at the quarter sessions  
 “of the respective shires and stewartries, within  
 “which the royal boroughs are situate, which has  
 “been found by experience to be attended with  
 “great trouble and expence to the said magis-  
 “trates and counsellors:” for remedy thereof, be  
 it enacted, by the authority aforesaid, that it  
 shall and may be lawful to the said magistrates  
 and counsellors to take and subscribe the oath  
 of allegiance, subscribe the assurance, and take  
 and sign the oath of abjuration, before the  
 council of their respective boroughs; and which  
 oaths the chief magistrate, or any other magis-  
 trate of the said boroughs respectively, is here-  
 by empowered and required to administer; and  
 the oaths so taken, shall be equal in all  
 respects as if they had been taken in the courts,  
 and before the judges directed by the several  
 acts of parliament above referred to.

16 Geo. 2.  
 c. 11.

Magistrates  
 and counsel-  
 lers may take  
 the several  
 oaths before  
 the council of  
 the respective  
 boroughs.

26. And be it enacted, by the authority afore-  
 said, that at every election of commissioners  
 for choosing burgesses for any district of bo-  
 roughs in that part of *Great Britain* called  
*Scotland*, the common clerk of each borough  
 within the said district, shall make out a com-  
 mission to the person chosen commissioner by  
 the major part of the magistrates and town  
 council assembled for that purpose; which ma-  
 gistrates and town council shall take the oath  
 of allegiance, and sign the same, with the as-  
 surance, and shall take all the other oaths ap-  
 pointed to be taken at such election, by this or  
 any former act, if required; and the said clerk  
 shall affix the common seal of the borough

The clerk to  
 sign the com-  
 mission, and  
 fix the seal of  
 the borough.

Magistrates  
 and town coun-  
 cil to take the  
 oaths of alle-  
 giance, &c. if  
 required.

13 Geo. 2.  
c. 11.

Clerk not to  
make out com-  
mission for any  
but he who is  
chosen by  
majority.

Clerk neglect-  
ing to make out  
commission  
for him, or  
making it out  
for any other,  
to forfeit 500l.

thereto, and sign such commission, and shall not on any pretence whatsoever make out a commission for any person as commissioner, other than him who is chosen by the majority as aforesaid; and if any common clerk of any borough shall neglect or refuse duly to make out and sign a commission to the commissioner elected by the majority as aforesaid, and affix the seal of the borough thereto; or if he shall make out and sign a commission to any other person who is not chosen by the majority, or affix the common seal of the borough thereto; he shall, for every such offence, forfeit the sum of five hundred pounds sterling to the person elected commissioner for the said borough as aforesaid, to be recovered by him or his executors in the manner hereinafter directed, and shall also suffer imprisonment for the space of six calendar months, and be for ever after disabled to hold or enjoy the said office of common clerk of the said borough, as effectually as if he was naturally dead.

500l. penalty  
on any person  
who is not  
common clerk,  
acting as such,  
and making  
out wrongful  
commissions.

27. And be it further enacted, by the authority aforesaid, that if any other person who is not the common clerk of the borough, shall take upon himself to act as such in any election of a commissioner for choosing a burghess for any district of boroughs in that part of *Great Britain* called *Scotland*, and shall make out a commission for any other person as commissioner, other than the person who was chosen by the majority as aforesaid, and shall sign or affix the common seal of the borough thereto; he shall, for every such offence, forfeit the sum of five hundred pounds sterling, to the person elected commissioner for the said borough as aforesaid, to be recovered by him or his executors in the manner hereinafter directed.

28. “ And whereas by an act passed in that  
 “ part of *Great Britain* called *Scotland*, the  
 “ fifth day of February, in the year 1707, inti-  
 “ tuled ‘*An act settling the manner of electing*  
 “ *the sixteen peers, and forty-five commoners,*  
 “ *to represent Scotland in the parliament of*  
 “ *Great Britain* ;’ it is, amongst other things,  
 “ enacted, that where the votes of the com-  
 “ missioners for the said boroughs met to choose  
 “ representatives from their several districts to  
 “ the parliament of *Great Britain*, shall be  
 “ equal ; in that case, the president of the meet-  
 “ ing shall have a casting or decisive vote, and  
 “ that by and attour his vote as a commissioner  
 “ from the borough from which he is sent ; but  
 “ no provision is made in case of the absence of  
 “ the commissioner from the presiding borough,  
 “ or of his refusing to vote at such election :”

16 Geo. 2.  
 c. 11.

(See ante, cxv.)

For remedy thereof, be it enacted by the au-  
 thority aforesaid, that if the commissioner from  
 the presiding borough shall be absent from the  
 meeting of commissioners for choosing burgesses  
 to serve in parliament, or shall refuse to vote  
 at such election, the commissioner from the bo-  
 rough which was the presiding borough at the  
 last election ; and if he also be absent, or shall  
 refusé to vote as aforesaid, the commissioner  
 from the borough which was the presiding bo-  
 rough at the election immediately preceding  
 the last ; and in case he shall be likewise absent,  
 or shall refuse to vote as aforesaid, the com-  
 missioner from the borough which was the last  
 presiding borough but two, shall have in the  
 aforesaid respective cases, besides his own vote,  
 the casting or decisive vote.

Who shall have  
 the casting  
 vote in case of  
 equality, in  
 the absence of  
 presiding com-  
 missioner, or  
 of his refusing  
 to vote.

29. And be it further declared, by the autho-  
 rity aforesaid, that it is no objection to any

No objection  
 against non-  
 residents. &c.

16 Geo. 2.  
c. 11.



commissioner for choosing a burgess, that he is not a resider within the borough bearing all portable charges with his neighbours, or that he is no trafficking merchant therein, or that he is not in possession of any burgage lands or houses holding of the said borough, and that such qualifications need not be engrossed in his commission; any law, custom, or usage to the contrary notwithstanding.

Votes only of persons producing commissions authenticated, &c. to be allowed.

30. And be it further enacted, by the authority aforesaid, that at all meetings of commissioners for choosing burgesses to serve in parliament, the common clerk of the presiding borough shall allow the votes of such persons only who produce commissions authenticated by the subscription of the common clerk, and the common seal of the respective boroughs within the district, and shall return to the sheriff or steward the person elected by the major part of the commissioners assembled, whose commissions are authenticated as aforesaid; and if he neglect or refuse to return such persons so elected to the sheriff or steward, or if he shall return to the sheriff or steward any person other than him who is so elected, he shall, for every such offence, instead of the penalty or forfeiture to which he is made liable by the aforesaid act made in the 7th year of his present majesty, forfeit the sum of five hundred pounds sterling, to the candidate elected by the majority of the commissioners assembled, whose commissions are authenticated as aforesaid, to be recovered by him or his executors, in the manner hereinafter directed, and he shall also suffer imprisonment for the space of six calendar months, and be for ever after disabled to

500l. penalty on common clerk for false return.

And six months imprisonment.

hold or enjoy his said office of common clerk of the said presiding borough, as if he was naturally dead.

16 Geo. 2.  
c. 11.

31. And be it enacted, by the authority aforesaid, that every sheriff or steward in that part of *Great Britain* called *Scotland*, shall annex to the writ the return made by the aforesaid clerk of the presiding borough; and if any such sheriff or steward neglect or refuse to annex to the writ such return, or if he shall annex to the writ any return made by any other person, he shall, for every such offence, instead of the penalty or forfeiture to which he is made liable by the aforesaid act made in the 7th year of his present majesty, forfeit the sum of five hundred pounds sterling, to the candidate returned by the aforesaid clerk of the presiding borough, to be recovered by him or his executors, in the manner hereinafter directed.

Sheriff, &c. to annex to the writ the return made by the clerk of the presiding borough,

on penalty of 500*l*.

32. Provided always, that if any person to whom no commission is made out, as aforesaid, shall insist that he was duly elected the commissioner from any royal borough, the person so claiming shall be admitted to the meeting of the commissioners for choosing burgesses to serve in parliament, and may at the said meeting make offer of taking all the oaths required by law, and declare for whom he would have voted, had he been duly commissioned, which oaths the clerk of the presiding borough is hereby required and empowered to administer; and the said clerk shall also set down in the minutes of proceedings, the declaration of such person as to the candidate for whom he would have voted, had he been duly commissioned;

Proviso.  
Person not having commission made out, but claiming to have been elected commissioner, to be admitted at the meeting and may take the oaths, and declare for whom he would have voted;

16 Geo. 2.  
c. 11.

but the clerk  
shall not re-  
ceive such  
vote as legal.

Act 2. Geo. 2.  
c. 24. extended  
to elections of  
delegates.

but the said clerk shall upon no pretence whatsoever receive or consider such person as a legal voter, or such declaration as a legal vote, at such election.

33. "And whereas doubts have arisen, whether  
" the act of parliament made in the 2d year of  
" the reign of his present majesty, intituled, *An*  
" *Act for the more effectual preventing bribery*  
" *and corruption in the election of members to*  
" *serve in parliament*, extends to the electors  
" of commissioners for choosing burgesses:" Be  
it hereby enacted, by the authority aforesaid,  
that the electors of commissioners for any royal  
borough, within that part of *Great Britain*  
called *Scotland*, for choosing burgesses to parlia-  
ment, are within the true intent and meaning  
of the said act, to be considered as electors of  
the member to serve in parliament, and shall  
be so deemed and adjudged to all intents and  
purposes whatsoever, and shall be liable to all  
the provisions, forfeitures, and incapacities, to  
which persons voting or claiming to vote for  
any member to serve in parliament are made  
liable by the said act.

34. And be it further enacted, by the autho-  
rity aforesaid, that at every election of com-  
missioners for choosing burgesses for the several  
districts of boroughs in that part of *Great Bri-*  
*tain* called *Scotland*, and at the election of a  
burgess to serve in parliament for the city of  
*Edinburgh*, every magistrate, town counsellor,  
or person having or claiming to have a right to  
vote at such election, instead of the oath pre-  
scribed to be taken by the said act, before he is  
admitted to vote at the same election, shall take

the following oath, in case the same shall be demanded by any one of the electors; and which oath any of the magistrates, or, in their absence, any of the town council, are hereby empowered and required to administer:

16 Geo. 2.

c. 11.



“ I, *A. B.* do solemnly swear, that I have not,  
 “ directly or indirectly, by way of loan, or other  
 “ device whatsoever, received any sum or sums  
 “ of money, office, place, employment, gra-  
 “ tuity, or reward, or any bond, bill, or note, or  
 “ any promise of any sum or sums of money,  
 “ office, place, employment, or gratuity what-  
 “ soever, either by myself or any other, to my  
 “ use or benefit, or advantage, or to the use,  
 “ benefit, or advantage of the city or borough  
 “ of which I am magistrate, counsellor, or  
 “ burgess, in order to give my vote at this  
 “ election.

Oath to be  
 taken by the  
 magistrates,  
 town counsel-  
 lers, or voters  
 at elections of  
 commissioners  
 to choose bur-  
 gesses, or of a  
 burgess for  
 Edinburgh.

“ So help me God.”

35. And be it further enacted, by the authority aforesaid, that in all elections of commissioners for choosing burgesses, and before they proceed to election, the common clerk of each borough shall take and subscribe the oath following, which any of the magistrates, or, in their absence, any two of the town council are hereby empowered and required to administer:

“ I, *A. B.* do solemnly swear, that I have  
 “ not, directly or indirectly, by way of loan, or  
 “ other device whatsoever, received any sum or  
 “ sums of money, office, place, employment,  
 “ gratuity, or reward, or any bond, bill, or note,  
 “ or any promise of any sum, or sums of money,

Oath to be  
 taken by the  
 common clerk,  
 before the  
 election of  
 commissioners  
 to choose bur-  
 gesses.



16 Geo. 2.  
c. 11.

“ office, place, employment, or gratuity what-  
“ soever, either by myself or any other, to my  
“ use, or benefit, or advantage, to make out  
“ any commission for a commissioner for  
“ choosing a burgess: and that I will duly  
“ make out a commission to the commissioner  
“ who shall be chosen by the majority of the  
“ town council assembled, and to no other  
“ person.

“ So help me God.”

And that at all meetings of the commissioners for choosing burgesses to serve in parliament, and before they proceed to the election, the clerk of the presiding borough shall take and subscribe the following oath, which the commissioner for the presiding borough, or in his absence any other of the commissioners, is hereby required and empowered to administer :

Oath of the  
clerk of the  
presiding bo-  
rough before  
election.

“ I, *A. B.* do solemnly swear that I have not,  
“ directly or indirectly, by way of loan, or other  
“ device whatsoever, received any sum or sums  
“ of money, office, place, employment, gratuity,  
“ or reward, or any bond, bill, or note, or any  
“ promise of any sum or sums of money, office,  
“ place, employment, or gratuity whatsoever,  
“ either by myself, or any other to my use, or  
“ benefit, or advantage, to make any return at  
“ this election of a member to serve in parlia-  
“ ment; and that I will return to the sheriff or  
“ steward the person elected by the major part  
“ of the commissioners assembled, whose com-  
“ missions are authenticated by the subscrip-  
“ tion of the common clerk, and common seal  
“ of the respective boroughs of this district.

“ So help me God.”

36. And be it further enacted, by the authority aforesaid, that if the clerk of the presiding borough shall neglect or refuse to take the oath aforesaid, such clerk, so refusing or neglecting, shall be incapable to act as clerk to the said meeting; and it shall be lawful to and for the said commissioners, and they are hereby empowered and required to choose another clerk to the meeting for the election, and who shall have all the powers and authorities in the said meeting, and in the returning the member chosen by them, that by law are competent to the clerk of the presiding borough.

18 Geo. 2.  
c. 11.

Clerk of the presiding borough's neglecting or refusing to take the oath, to be incapable of acting, and another to be chosen.

37. And be it further enacted, by the authority aforesaid, that at all the elections of a member to serve in parliament for any county or stewartry in that part of *Great Britain* called *Scotland*, the clerk chosen by the majority of such persons as stand upon the said roll last made up by the freeholders, whether at the *Michaelmas* court, or at the last election of a member to serve in parliament, shall immediately after his election take and subscribe the following oath, which the preses of the meeting is hereby required and empowered to administer:

“ I, *A. B.* do solemnly swear, that I have  
 “ not, directly or indirectly, by way of loan or  
 “ other device whatsoever, received any sum or  
 “ sums of money, office, place, or employment,  
 “ gratuity, or reward, or any bond, bill, or  
 “ note, or any promise of any sum or sums of  
 “ money, office, place, employment, or gratuity  
 “ whatsoever, by myself, or any other, to my  
 “ use, or benefit, or advantage, to make any  
 “ return at the present election of a member to

Oath of the clerk at election of members.

16 Geo. 2.  
c. 11.

“ serve in parliament; and that I will return to  
“ the sheriff or steward the person elected by  
“ the majority of the freeholders upon the roll  
“ made up at this election, and who shall be  
“ present and vote at this meeting.

“ So help me God.”

Repeal of part  
of the act 2  
Geo. 2. c. 24.  
as to Scotland.

38. “ And whereas by the said act of parlia-  
“ ment made in the 2d year of the reign of his  
“ present majesty, it is enacted, that every  
“ sheriff, mayor, bailiff, headborough, or other  
“ person being the returning officer of any  
“ member to serve in parliament, shall imme-  
“ diately after reading the writ or precept for  
“ the election of such members, take and sub-  
“ scribe the oath contained in the aforesaid  
“ act;” be it enacted, by the authority aforesaid,  
that so much of the said act as requires the said  
oath to be taken by any returning officer within  
that part of *Great Britain* called *Scotland*,  
shall be and is hereby repealed.

Penalties of  
perjury on per-  
sons falsely  
taking the  
oaths in the  
act.

39. And be it further enacted, by the autho-  
rity aforesaid, that if any person shall presume  
wilfully and falsely to swear and subscribe any  
of the oaths required to be taken by this act,  
and shall thereof be lawfully convicted, he shall  
incur the pains and punishments of perjury, and  
be prosecuted for the same according to the laws  
and forms in use in *Scotland*.

40. And be it further enacted, by the authority  
aforesaid, that when any new parliament shall  
at any time hereafter be summoned or called,  
the lord chancellor, lord keeper, or lords com-  
missioners of the great seal for the time being,  
shall issue out the writs for election of members  
to serve in parliament for that part of *Great*

*Britain* called *Scotland*, with as much expedition as the same may be done; and that as well upon the calling or summoning any new parliament, as also in case of any vacancy during this present or any future parliament, the several writs shall be delivered to the sheriff or steward to whom the execution thereof does belong or appertain, and to no other person whatsoever; and that every such sheriff or steward, upon the receipt of the writ, shall upon the back thereof endorse the day he received the same, and shall forthwith, upon receipt of the writ, at least within the space of four days after the receipt thereof, make out a precept to each borough within his jurisdiction, to elect a commissioner for choosing a burghess to serve in parliament, and shall cause the same to be delivered to the chief magistrate of such borough residing in the borough for the time being; and in case such sheriff or steward shall neglect to endorse on the back of the writ the day he received the same, or shall neglect to make out his precept, and to deliver the same to the chief magistrate within the time, and in the manner above directed, he shall, forfeit for every such offence, the sum of one hundred pounds sterling, to any magistrate of the borough to which the precept is not timely delivered, who shall sue for the same, to be recovered in manner herein-after directed.

41. And be it further enacted, by the authority aforesaid, that such chief magistrate to whom the precept shall be delivered in manner above directed, upon the receipt thereof, shall upon the back of the precept endorse the day he received the same, and shall, within two days after his receipt of the precept, call and summon the

m 2

16 Geo. 2.  
c. 11.

Writs of summons for calling a new parliament, to be made out with expedition, and delivered to the proper sheriff or steward, who is to endorse the same;

and within four days to make precepts to each borough within his jurisdiction to elect commissioners.

Precepts to be delivered to the chief magistrates of boroughs.

100*l.* penalty on sheriff's not indorsing writ, &c. &c.

Chief magistrate to endorse precept, and within two days to summon the council for setting a day to choose a commissioner for electing a burghess.

16 Geo. 2.  
c. 11.

(For provisions as to  
Ordnance and  
Zoning, see  
35 Geo. 2. c.  
65. § 6. post,  
clxxvii.)

Two days to  
be allowed be-  
tween the  
council meet-  
ing and the  
day of elec-  
tion.

100l. penalty  
on chief ma-  
gistrate neg-  
lecting to en-  
dorse the day  
he received the  
precept, or to  
summon coun-  
cil.

Manner of re-  
covering pe-  
nalties.

Limitation of  
actions.

council of the borough together, by giving notice personally, or leaving notice at the dwelling place of every counsellor then resident in that borough, which council shall then appoint a peremptory day for the election of a commissioner for choosing a burgess to serve in parliament.

42. Provided always, that two free days shall intervene betwixt the meeting of the council which appoints the day of election of the said commissioner, and the day on which the election of the commissioner is to be made; and in case such chief magistrate shall neglect to endorse the day he received the precept on the back thereof, or to summon the council within the time and in the manner above directed, he shall, for every such offence, forfeit the sum of one hundred pounds sterling, to any magistrate or counsellor of the said borough who shall sue for the same, to be recovered in manner hereinafter directed.

43. And be it further enacted, by the authority aforesaid, that every penalty or forfeiture by this act imposed, in that part of *Great Britain* called *Scotland*, shall and may be sued for and recovered by way of summary complaint, before the court of session, upon thirty days notice to the person complained of, without abiding the course of any roll; which said complaint the court of session is hereby authorized and required to determine; as also to declare the disabilities and incapacities, and to direct the imprisonments, as herein provided.

44. Provided always, and it is hereby declared and enacted by the authority aforesaid,

that no person shall be made liable to any incapacity, disability, forfeiture, or penalty by this act imposed, in that part of Great Britain called Scotland, unless prosecution be commenced within one year after such incapacity, disability, forfeiture, or penalty shall be incurred.

16 Geo. 2.  
c. 11.

A. D. 1743.

The Stat. Anno 14<sup>o</sup> Georgii III. Cap. 81.

*An Act for altering and amending an Act, made in the 16th Year of His late Majesty's Reign, intituled, An Act to explain and amend the Laws touching the Election of Members to serve for the Commons in Parliament, for that Part of Great Britain called Scotland; and to restrain the Partiality, and regulate the Conduct, of returning Officers at such Elections, by altering the Time of Notice, ordered by the said Act to be given, in the Service of Complaints to the Court of Session, of Wrongs done in Elections, and by regulating the Manner, and settling the Place, of Election of a Burgess to serve in Parliament for a District of Boroughs in Scotland, when the Election of the Magistrates and Council of a Borough, which ought in Course to be the presiding Borough at an Election, happens to be reduced, and made void, by a Decree of the Court of Session, and not revived by the Crown, when such Election is made.*

“ WHEREAS by an act, made in the 16th year of his late majesty's reign, (intituled, ‘ *An* Act 16 Geo. 2. (c. 11.)

14 Geo. 3.  
c. 81.



(16 Geo. 2. c.  
11, § 4.)

•  
Court of ses-  
sion, on fifteen  
days notice,  
shall grant  
warrants for  
service of com-  
plaints for re-  
dress of wrongs  
committed by  
inrolling at  
elections.

“ act to explain and amend the laws touching  
“ the elections of members to serve for the  
“ commons in parliament, for that part of  
“ Great Britain called Scotland, and to re-  
“ strain the partiality, and regulate the con-  
“ duct, of returning officers, at such elec-  
“ tions’ ) complaints to the court of session, for  
“ redress of wrongs committed by the inrolling,  
“ or refusing to inrol persons claiming to be  
“ inrolled in the roll of freeholders, or in the  
“ annual elections of royal boroughs, are or-  
“ dered to be served upon thirty days notice ;  
“ and whereas it is found by experience, so long  
“ notice is unnecessary, and occasions delay in  
“ the summary determination of such com-  
“ plaints, agreeable to the intendment of the  
“ said act :” may it therefore please your ma-  
jesty that it may be enacted, and be it enacted  
by the king’s most excellent majesty, by and  
with the advice and consent of the lords spiri-  
tual and temporal, and commons in this present  
parliament assembled, and by the authority of  
the same, that from and after the 12th day of  
June, in the year of our Lord 1774, the court  
of session shall grant warrants for the service of  
all such complaints as aforesaid, upon fifteen  
days notice.

2. “ And whereas the elections of magistrates  
“ and counsellors of royal boroughs in Scotland  
“ have sometimes been reduced and made void,  
“ by decrees of the court of session, in actions  
“ or complaints brought before the said court  
“ for that purpose, by which the corporate  
“ powers of such boroughs are in effect in a  
“ state of non-existence, until restored by the  
“ justice and favour of the crown ; and whereas  
“ no provision is made in the aforesaid act of

14 Geo. 3.  
c. 81.

“ the 16th year of the reign of his late majesty,  
 “ or any other act now in being, for regulating  
 “ the manner, and settling the place of election  
 “ of a burghess to serve in parliament for a dis-  
 “ trict of boroughs in *Scotland*, when the elec-  
 “ tion of magistrates and council of a borough,  
 “ which ought in course to have been the pre-  
 “ siding borough at the election, happens to be  
 “ reduced, and not revived when the election is  
 “ made.” For remedying thereof, be it enacted  
 by the authority aforesaid, that in every elec-  
 tion of a burghess to serve in parliament for a  
 district of boroughs in *Scotland*, when it shall  
 happen that the election of the magistrates  
 and council of the borough, which ought to  
 have been the presiding borough at such elec-  
 tion, is reduced and not revived, the next  
 borough intitled to preside in turn shall be the  
 presiding borough, and the election shall be  
 made at that borough; and the commissioner  
 for that borough shall be the president of the  
 meeting of commissioners for the election, and  
 have a casting and decisive vote, besides his  
 own, as commissioner, where the votes of the  
 commissioners are equal; and the common clerk  
 of that borough shall be clerk to the election;  
 and every matter and thing concerning the elec-  
 tion shall be proceeded in as if that borough had  
 been the presiding borough, in the ordinary  
 course of rotation.

Upon election  
 of a burghess to  
 serve in par-  
 liament for a  
 district of bo-  
 roughs, where-  
 of the borough  
 which ought  
 to have been  
 the presiding  
 borough is re-  
 duced;  
 Borough next  
 in turn to pre-  
 side to be the  
 presiding bo-  
 rough,  
 and the com-  
 missioner for  
 that borough  
 to be president  
 of the meet-  
 ing, and to  
 have a casting  
 vote on equal-  
 ity of votes;  
 clerk of that  
 borough to be  
 the clerk, &c.

3. And be it further enacted, by the authority  
 aforesaid, that the borough which would have  
 been the presiding borough at the election, if  
 the election of the magistrates and counsellors  
 of such borough had not been reduced, shall,  
 when revived by the justice and favour of the  
 crown, have no right or title to be a presiding

The presiding  
 borough of the  
 district how to  
 be ascertained.



14 Geo. 3.  
c. 81.

borough in the election of a burghess to serve in parliament for the district of boroughs of which it is one, until the other boroughs of the district, each in their turn, have successively provided, and that the right devolves upon such borough in the ordinary course of rotation\*.

A. D. 1774.

The Stat. 35 Geo. 3. c. 65.

*An Act to prevent unnecessary Delay in the Execution of Writs, for the Election of Members to serve in Parliament for that Part of Great Britain called Scotland.*

(19th May, 1795.)

“WHEREAS the execution of writs of election of members to serve for the commons in parliament for that part of Great Britain called Scotland, has often been improperly delayed;” for remedy whereof, may it please your majesty that it may be enacted, and be it enacted by the king’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parlia-

\* The statute 22 Geo. 3. c. 41. for disabling certain revenue officers from voting at elections, extends to elections for members and delegates in Scotland, and by the stat. 37 Geo. 3. c. 138. § 1. (for which see post clxxxviii) it is also extended to elections of preses or clerks to freeholders in Scotland. The stat.

22 Geo. 3. c. 45. restraining persons concerned in contracts, &c. for the public service, from sitting or voting as members of parliament, also extends to Scotland. The stats. 22 Geo. 3. c. 41 and 45, are not inserted here as they also fall under another part of this work.

ment assembled, and by the authority of the same, that the sheriff or steward depute, or substitute of any county or stewartry in that part of *Great Britain* called *Scotland*, shall, within six free days after receiving the writ or writs for the election of members to serve in parliament, direct the notices required by law to be given as to the time and place of election of a member for such county or stewartry; and that the day of election appointed by the sheriff shall not be sooner than six free days, nor later than fifteen days after the day of publication at the church doors.

35 Geo. 3.  
c. 65.

Sheriffs de-  
putes or sub-  
stitutes, &c.  
to direct,  
within six days  
after receiving  
the writs, the  
notices requir-  
ed to be given  
for elections of  
members, &c.

II. "And whereas doubts have been enter-  
tained by whom the writs for election of  
members to serve for the commons in parlia-  
ment for that part of *Great Britain* called  
*Scotland*, should be received and executed  
when there happens to be a principal or high  
sheriff or steward appointed by his majesty in  
any county or stewartry, as well as a sheriff  
depute, or steward depute, whose commission  
is also derived from the crown, and is *ad*  
*vitam aut culpam*, in respect that, by an act,  
passed in the 20th year of his late majesty,  
for taking away and abolishing the heritable  
jurisdictions, these offices, and the powers and  
authorities belonging to them, were essentially  
changed;" for remedy thereof, and to remove  
such doubts, be it enacted, that, upon issuing  
of any writ or writs for the election of a mem-  
ber or members to serve in parliament for that  
part of *Great Britain* called *Scotland*, the said  
writ or writs shall be forthwith forwarded and  
delivered to the sheriff depute, or steward de-  
pute, or to the substitute of each, and the prin-  
cipal or high sheriff, or steward, shall not offi-

None but she-  
riffs deputies,  
&c. or in their  
absence their  
substitutes, to  
receive and  
execute writs  
for elections.

20 Geo. 3. c.  
43

35 Geo. 3.  
c. 63.



ciate either in receiving or in executing the writ, the whole of this duty being entrusted to the sheriff depute, or steward depute, or, in case of absence, to the substitute of each, and to no other person whatsoever.

Penalty of  
500*l.* on sheriffs  
deputes, &c.  
for neglect of  
duty.

III. And be it enacted, by the authority aforesaid, that if any sheriff, or steward depute, or substitute, shall wilfully refuse, neglect, or delay, to do or perform what is hereby required of him in any of the particulars aforesaid, he shall, for every offence, forfeit and pay the sum of five hundred pounds sterling, one half to the person who shall sue for the same, and the other half to his majesty, to be sued for and recovered in the manner directed by an act of the 16th year of the reign of his late majesty king George the second, intituled, “*An act to explain and amend the laws touching the election of members to serve for the commons in parliament for that part of Great Britain called Scotland; and to restrain the partiality, and regulate the conduct, of returning officers at such elections.*”

Penalty of  
1000*l.* on high  
sheriffs, &c.  
for interfering  
in the execu-  
tion of writs.

IV. And be it enacted, by the authority aforesaid, that if any principal, or high sheriff or steward, or any person, other than the sheriff or steward depute, or the substitute of each, shall presume in any respect to interfere or take upon himself the execution of writs of election of members to serve in parliament for that part of *Great Britain* called *Scotland*, every such person so offending in any particular, shall, for every offence, forfeit and pay the sum of one thousand pounds sterling, one half to the person who shall sue for the same, and the other half to his majesty; his heirs and successors, to

be sued for and recovered in the manner directed by an act of the sixteenth year of the reign of his late majesty king George the second, intituled, “*An act to explain and amend the laws touching the election of members to serve for the commons in parliament for that part of Great Britain called Scotland; and to restrain the partiality, and regulate the conduct, of returning officers at such elections;*” and further, the person convicted on any suit shall thereby become disabled and incapable of ever bearing or executing any office or place of trust whatsoever under his majesty, his heirs and successors.

35 Geo. 3.  
c. 65.

together with  
disability from  
office, &c.

V. Provided always, and be it further enacted, by the authority aforesaid, that every action or suit for any offence against this act, shall be commenced within twelve months after commission of the fact on which the same is grounded, or within twelve months after the conclusion of any proceedings in the house of commons relating to such election.

Limitation of  
actions.

VI. “And whereas the several parish churches “in the stewartry of *Orkney* and *Zetland* are “situated upon islands, detached and difficult “of access;” be it therefore enacted, that the writ for the election of a member to serve in parliament for the said stewartry shall be published at the town of *Kirkwall*, and the twelve parish churches in the island of *Pomona*, or the main land of *Orkney* only.

Writs for the  
election of  
members for  
*Orkney* and  
*Zetland* where  
to be pub-  
lished.

The Stat. 37 Geo. 3. c. 138.

(20th July, 1797.)

*An Act to amend an Act, made in the Twenty-second Year of the Reign of His present Majesty, intituled, “ An Act for better  
“ securing the Freedom of Elections of  
“ Members to serve in Parliament, by dis-  
“ abling certain Officers, employed in the  
“ Collection or Management of His Ma-  
“ jesty’s Revenues, from giving their Votes  
“ at such Elections,” by extending the Pro-  
visions thereof to Persons voting in any  
Meeting of Freeholders for Preses or Clerk,  
or on any Question relative to the Adjust-  
ment of the Roll of Freeholders, in that  
Part of Great Britain called Scotland; and  
for empowering Freeholders to administer  
the Oath of Trust and Possession to Persons  
offering to vote for Preses and Clerk.*

Preamble.  
22 Geo. 3. c.  
41. re-ited.

“ WHEREAS an act was made in the twenty-  
“ second year of the reign of his present ma-  
“ jesty, intituled, ‘ *An act for better securing  
“ the freedom of elections of members to serve  
“ in parliament, by disabling certain officers,  
“ employed in the collection or management of  
“ his majesty’s revenues, from giving their  
“ votes at such elections:*’ and whereas great  
“ inconveniences have arisen, in that part of  
“ Great Britain called Scotland, at the meet-  
“ ings for elections of members to serve in par-  
“ liament, by the persons who are declared by  
“ the said act incapable of voting at such elec-

“ tions giving their votes for the choice of  
 “ preses or clerk to the freeholders, and on ques-  
 “ tions relative to the adjustment of the roll,  
 “ not only at such elections, but at other meet-  
 “ ings of freeholders, whereby the votes of  
 “ such persons so incapacitated, although not  
 “ actually given for any member to serve in  
 “ parliament, yet may often be decisive of such  
 “ election;” be it therefore enacted, by the  
 king’s most excellent majesty, by and with the  
 advice and consent of the lords spiritual and  
 temporal, and commons in this present parlia-  
 ment assembled, and by the authority of the  
 same, that, from and after the passing of this  
 act, no person or persons described in the said  
 recited act, and thereby rendered incapable of  
 voting in the election of members to serve in  
 parliament, shall be capable of voting at any  
 election for the choice of a preses or clerk to  
 the freeholders of any county in that part of  
*Great Britain* called *Scotland*, or on any ques-  
 tions relative to the adjustment of the roll of  
 freeholders of any such county, not only at  
 such elections, but at all other meetings of the  
 freeholders of any such county; and if any  
 person, hereby made incapable of voting, shall  
 nevertheless presume to give his vote during  
 the time he shall hold, or within twelve calendar  
 months after he shall cease to hold or execute,  
 any of the offices mentioned in the said act,  
 contrary to the true intent and meaning of this  
 act, such votes so given shall be held null and  
 void to all intents and purposes whatsoever;  
 and every person so offending shall forfeit the  
 sum of one hundred pounds, one moiety thereof  
 to the informer, and the other moiety thereof  
 to be immediately paid into the hands of the  
 clerk of the justices of the peace of the coun-

37 Geo. 3.  
 c. 138.

No person de-  
 scribed in the  
 recited act as  
 incapable of  
 voting for a  
 member of  
 parliament, to  
 vote for a  
 preses or clerk  
 to the free-  
 holders in  
*Scotland*, &c.

Penalty for  
 voting, 100*l*.

37 Geo. 3.  
c. 138.

and incapacity  
for office, &c.

Any freeholder  
may put the  
oath of trust  
and possession  
to persons  
offering to vote  
for preses and  
clerk ;  
(for the oath  
see 7 Geo. 2.  
c. 16. § 2.  
ante, cxliv.)

No person  
liable to pe-  
nalty unless  
prosecuted  
within a year.

ties or stewartries in that part of *Great Britain* called *Scotland*, to be applied and disposed of to such purposes as the justices at the next general quarter sessions of the peace to be held for such county or stewartry shall think fit; to be recovered by summary complaint before the court of session in *Scotland*; and the person convicted on any such suit shall thereby become disabled and incapable of their bearing or executing any office or place of trust whatsoever under his majesty, his heirs and successors.

2. And be it further enacted, that if any person at an election for a member to serve in parliament for any county, shall offer to vote in the election of preses and clerk, it shall and may be lawful for any freeholder to put the oath of trust and possession to him before giving his vote, in the same manner as is now practised after the preses and clerk are chosen.

3. Provided also, and be it enacted, that no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution be commenced within twelve months after such penalty or forfeiture shall be incurred (*a*).

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(*a*) The writ which is directed to a sheriff or steward for Scots elections is substantially the same as that which is directed to an English sheriff. It is therefore not inserted. The forms which follow are peculiar to *Scotland*.

*Form of a Sheriff's Intimation of a Writ.*

WHEREAS, the parliament of *Great Britain* by their act for rendering the union of the two kingdoms more entire and complete, and for the more uniform and express method of electing and returning members of parliament by authority of the same, enacted, that when any parliament shall at any time thereafter be summoned or called, the forty-five representatives of *Scotland* in the house of commons of the parliament of *Britain*, shall be elected and chosen by authority of the queen or her successors, their writs under the great seal of *Great Britain*, directed to the several sheriffs and stewarts of the respective shires or stewartries, and the said several sheriffs or stewarts shall, on receipt of such writs, forthwith give notice of the time of election for the knights or commissioners for their respective shires or stewartries; and at such time of election, the several freeholders of the respective shires shall meet and convene at the head boroughs of the several shires or stewartries, and proceed to the election of their respective commissioners or knights for the shire or stewartry; and the clerks of the said meetings immediately after the said elections are over shall presently return the names of the persons so elected to the sheriff or stewart of the shire or stewartry, who shall annex it to his writ, and return it with the same to the court out of which the writ is issued; and seeing the said writ is come to my hands, whereby I am notified that there is a new parliament to be called, to be held at *Westminster*, the                      day of                      next



ensuing, whereby I am commanded and firmly enjoined, immediately after and upon receipt of the said writ, to give notice to the whole freeholders within the sheriffdom of

, to the effect they may meet and elect one knight or commissioner for the said sheriffdom of

, of the most fit and discreet of the sheriffdom aforesaid, according to the form of the statute in that case made and provided; these are therefore intimating and making known to the hail freeholders and electors of the sheriffdom of

in pursuance of the said acts of parliament and writ issued forth to us, that they meet and convene at

upon being the day of betwixt the hours of twelve

and two of the clock in the afternoon, in order to elect their representative of the said shire to sit and vote in the house of commons of the parliament of *Great Britain*, which is to meet on the said day of

next; and ordains intimation hereof to be made at the market cross of on a

market day following, and at the parish-churches within the shire, the next Lord's day, and to be read by the precentors immediately after divine service in the forenoon, and thereafter affixed on the most patent door of the said churches. Given and subscribed at

the day of and of his majesty's reign, the year

*Form of the Execution of the above Intima-  
tion.*

UPON the day of one thousand seven hundred and being a market day, and market time, betwixt the hours of eleven and twelve, forenoon. I, *A. B.* sheriff-officer, past, at command of the sheriff depute of the sheriffdom of to the market cross of the headborough of the sheriffdom thereof, and thereat, after my crying of three several O yes's, and open proclamation, did publicly read the principal intimation and summons, intimating and summoning the respective freeholders within the said sheriffdom, to convene and meet upon that day at the place and to the effect therein, and within mentioned; and after due proclamation and public reading thereof, I affixed, and left, at, and upon the said market cross, a printed copy, whereof the within is a duplicate; this I did before these witnesses, *C. D.* and *E. F.* both sheriff-officers, and hereto subscribing with me\*.

• An execution must also be made and given in, bearing the officers having delivered copies of the intimation to the precentors of all the parish-churches within the shire, and their being affixed on the most patent door of the several churches. 1 Wight, Appendix, 473.

*Indenture of Return for a Shire, between the Sheriff, and the Clerk to the Freeholders.*

THIS indenture, made at \_\_\_\_\_ in  
a full court, or meeting of the sheriffdom  
thereof, holden the \_\_\_\_\_ day of  
in the \_\_\_\_\_ year of the reign of our  
sovereign lord, George the third, &c. betwixt  
an honorable man, *A. B.* esq. sheriff-depute (or  
substitute) of the said shire, upon the one part,  
and Mr. *C. D.* clerk, elected to the effect under-  
written by the electors or freeholders of the said  
shire, on the other part, witnesseth, that, according  
the to form and tenor of the brieve or writ of our  
sovereign lord the king, annexed to this inden-  
ture, proclamation having been lawfully made  
at the market cross of the borough of  
\_\_\_\_\_ headborough of the said shire  
of \_\_\_\_\_ and at the respective parish-  
churches within the same, as the custom is,  
the electors and freeholders of the said sheriff-  
dom being met the day above-mentioned, in  
the \_\_\_\_\_ of \_\_\_\_\_ and those who  
were there present being sworn or examined  
according to the form, strength, and effect of  
the several statutes made and provided therea-  
nent, they unanimously (or by plurality of  
voices) elected and chose *F. G.* of *H.* knight;  
residing within the county, girt with a sword,  
habile, fit, and discreet, giving and granting to  
the aforesaid knight full and sufficient power  
for himself and the whole community of the  
said shire, to do and consent to such things in  
parliament as by the common council of the  
kingdom shall happen to be ordained upon the

affairs aforesaid specified in the said writ; in testimony whereof, to the one part of this indenture remaining with the said *A. B.* to be annexed to, and returned with the writ, he, the said *A. B.* and *C. D.* have set their hands and seals, and to the other part of the said indenture remaining with the said *C. D.* for the use of the before-mentioned shire, the said *A. B.* has also set his hand and seal, place, day, month, and year of God, and king's reign aforesaid\*.

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*Precept from a Sheriff to a Borough.*

*A. B.* esquire, sheriff-depute (or substitute)  
of the county of \_\_\_\_\_ to  
the magistrates and town-council of the borough of \_\_\_\_\_

Whereas, by a writ of election to the parliament to be holden at *Westminster*, on the \_\_\_\_\_ day of \_\_\_\_\_ directed to me, and bearing *teste*, the \_\_\_\_\_ day of \_\_\_\_\_, I am commanded, that of every royal borough of the aforesaid county, I freely and indif-

\* The indenture of return if there be also a return of a burgess, the indorsement will be "The execution of the within writ is contained in certain indentures hereto annexed;"

when it regards the return for the shire only, is indorsed "The execution of the within writ is contained in an indenture hereto annexed;"

ferently cause to be elected, one commissioner to elect one burghess of the most discreet and sufficient, for the class or district according to the form of the statutes thereupon made and provided, as in the said writ at more length is contained: therefore I require and ordain you, that with all convenient speed, ye freely and indifferently elect one commissioner, (in the same manner as you was in use to elect commissioners to the parliament of *Scotland*,) in order to elect a burghess for the class or district of boroughs whereunto your borough does belong, of the more discreet and substantial men; and that ye order the said commissioner so to be elected by you to repair to the presiding borough of the said class or district, upon the day of (being the thirtieth day from the *teste* of the said writ), and then and there to elect the said burghess to parliament, according to the form of the statutes thereupon made and provided, and in terms of the said writ. Given under my hand and seal at the day of seventeen hundred and years, and of his majesty's reign, the year\*.

\* If the election is to supply a vacancy during the course of a parliament, there would be an alteration in the

precept to correspond with the writ, which would be framed accordingly.

*Commission from a Borough to a Commissioner or Delegate to vote for a Burgess to serve in Parliament.*

In a council of the borough of  
holden in the court-house thereof,  
being the ordinary place where the council  
uses to sit, the day of  
one thousand seven hundred and  
years; the which day the magistrates and  
council of the said borough of  
being convened, in obedience to a precept di-  
rected to them by esquire,  
sheriff-depute of the sheriffdom of  
of date, the day of  
requiring them to elect a  
commissioner for the said borough as they  
used formerly to elect a commissioner to the  
parliament of *Scotland*, and ordering the said  
commissioner to meet within the town-house  
of the borough of being  
the presiding borough of the class or district,  
upon the day of at  
twelve of the clock in the forenoon, with the  
rest of the commissioners chosen for the several  
boroughs of the said district, and there to vote  
for and elect a burgess out of the discreetest and  
most sufficient, freely and indifferently, for  
representing the said district in the ensuing  
parliament of *Great Britain*, to be held at  
*Westminster*, upon the day of  
next, by a writ directed to the sheriff of the  
shire of bearing date, at  
*Westminster*, the day of  
last; the said magistrates and council being all  
qualified conform to law, and having heard  
read the act of parliament against bribery and

corruption, did unanimously (or by a majority) elect and choose, and hereby elect and choose whom they testify to be a man fearing God, of the true protestant religion, now publicly professed and authorized by the laws of this realm, expert in the common affairs of this borough, and a bur-  
 gess thereof, their very lawful and undoubted commissioner, to the effect underwritten, giving, granting, and committing to him their full power for them, and in their names, and upon their behalf to meet and convene within the said town-house of as  
 being the presiding borough of the class or district of boroughs whereof this borough is one, upon the said day of  
 instant, with the rest of the commissioners chosen for the several boroughs of this district, and there to vote for and elect a bur-  
 gess of the said class or district out of the discreetest and most sufficient, freely and indifferently to represent the said district in the parliament of *Great Britain*, appointed to be held at *Westminster*, the said day of next,  
 promising to hold firm all and whatever things their said commissioner does in the premises; and ordain the clerk to give out an extract of the above commission and to affix the seal of the borough thereto. Extracted forth of the council record, and the seal of the borough is hereby affixed by me.

(Signed)

Clerk.

*Indenture of Return between a Sheriff and a Clerk of a presiding Burgh.*

THIS indenture, made at the borough of  
the day of  
one thousand seven hundred and  
years, and of the reign of our sovereign lord, &c.  
the year, betwixt *A. B.* esquire, she-  
riff depute (or substitute) of the shire of  
on the one part, and *C. D.*  
common clerk of the borough of  
and clerk to the election of a burgess to serve in  
parliament for the class or district after men-  
tioned, specially appointed to make the return  
of the said election conform to the statutes  
made in that behalf, on the other part, wit-  
nesseth, that by virtue of his majesty's writ of  
election, bearing teste the day of  
last, directed to the sheriff of the  
said shire of , and to the sheriffs  
of the shires of , and  
and of the said sheriffs, their several precepts  
thereupon directed to the boroughs of  
for choosing each of them a  
commissioner or delegate to the effect under-  
written, and ordering the respective commis-  
sioners to meet at the said borough of  
as the presiding borough for the  
time of the class or district of boroughs above-  
mentioned, upon the day and date of these  
presents, being the thirtieth day after the teste  
of his majesty's writ of election aforesaid, and  
to choose a burgess for the said district, to re-  
present them in the ensuing parliament to be  
holden at the city of *Westminster*, upon the  
day of next: the



commissioners chosen for the boroughs aforesaid, being this day met in the council-house of the said borough of                      the presiding borough at the said election, did, by an unanimous vote, (or by a majority of votes) of the said commissioners, who produced commissions duly authenticated, freely and indifferently choose and elect *E. F.* esquire, a burghess of the borough of                      , to attend and serve in the ensuing parliament of *Great Britain*, for the said class or district of boroughs above-mentioned, giving and granting to the said *E. F.* full and sufficient power for himself and the commonalty of the said class or district, to do and consent to those things which then and there shall happen by the common council of the kingdom (by the blessing of God) to be ordained upon the affairs mentioned in the said writ. In witness whereof, to the one part of these presents remaining with the said *A. B.* esquire, to be annexed to, and returned with his majesty's writ of election directed to the sheriff of the said shire of                      , he the said *A. B.* and *C. D.* have set their hands and seals; and to the other part remaining with the said *C. D.* for the use of the district of boroughs before-mentioned, the said *A. B.* has also set his hand and seal, place, day, month, year of God, and king's reign aforesaid.

# ACTS

RELATING TO

## ELECTIONS FOR IRELAND (a).

The Irish Stat. 33 H. 8. Sess. 2. c. 1. A. D. 1542.

*An Act for the Adjournment of the Parliament, and the Place to hold the same, and what Persons shall be chosen Knights and Burgesses.*

(a) § 1. (Annuls all former restrictions as to choice of members.)

§ 2. Provided, and be it enacted, by the authoritie of this present parliament, that from henceforth, everie knight, citizen, and burgesse, for every parliament hereafter within this realm of *Ireland*, to be summoned, appointed, or holden, shall be resiant and dwelling within the counties, cities, and townes, chosen and

Knights, citizens, and burgesses, to be resident in the counties, &c. elected by the greater number of inhabitants present, by virtue of the king's writs.

(a) By the stat. 41 Geo. 3. c. 90. § 9. The statutes of *England* and of *Great Britain*, printed and published by the king's printer, are to be received as conclusive evidence in any court in *Ireland*; and the statutes of *Ireland*, prior to the union, so printed and published, are in like manner to be evidence in any court of *Great Britain*.

The collection of *Irish* statutes here given as relating to elections, are those which the

author, upon a careful investigation of the acts, conceives to be in force. It occasionally happens that an act is wholly or partly repealed, by a clause introduced into some act, the title and general tenor of which, seems to have in view a perfectly different subject. Should there be any error herein, under such circumstances by the insertion of any law which is repealed; it is hoped, that it will be excused.

33 H. 8. sess. 2.  
c. 1.  
Irish.



Electors of  
knights to dis-  
pend and have  
estates of free-  
hold in the  
counties of 40s.  
yearly, above  
all charges.

Every inhabit-  
ant electing  
otherwise, to  
forfeit 5l.  
and the return-  
ing officer 100l.

Persons elect-  
ed otherwise  
taking upon  
them to be  
knights, &c.  
to forfeit 100l.

elected by the greater number of the inhabitants of the said counties, cities, and townes, being present at the said election, by vertue of the king's writs for that intent addressed. And also the said knights to be elected and chosen in manner and forme before rehearsed. And every electour of the said knights, to dispend and have lands and tenements of estate of freehold within the said counties, at the least to the yearly value of fortie shillings over and above all charges, and every of the inhabitants aforesaid, choosing or electing in any other manner than as before is mentioned to forfeit an hundred shillings, the moytie thereof to our sovereign lord the king, his heyres and successours, and the other moytie to any that will sue for the same by action of debt, bill, information, or otherwise, in any court of record, wherein no essoigne, protection, or wager of law to be admitted or allowed; and every sheriffe or other officer retourning any knight, citizen or burgesse, chosen or elected in any other manner than as is before expressed, to forfeit an hundred pounds, to be had and recovered as before is specified; and every knight, citizen and burgesse, taking upon him or them to bee knight, citizen, or burgess, and not chosen nor elected in manner and forme as is before-mentioned, to forfeit an hundreth poundes, to bee forfeited, recovered, and taken in manner and fourme before-rehearsed \*.

\* The variations in the spelling are according to the printed statute.

The Irish Stat. 2 Ann. c. 6. 1703.

*An Act to prevent the further Growth of Popery.*

(§ 1. RECITES *inter alia* “ that many persons  
“ professing the popish religion, have it in  
“ their power to raise divisions among pro-  
“ testants, by voting in elections for members  
“ of parliament,” &c.)

See 33 Geo. 3.  
c. 21. Irish.

§ 15. Provided always, that no person shall take benefit by this act\* as a protestant, within the intent and meaning hereof, that shall not conform to the church of *Ireland*, as by law established, and subscribe the declaration, and also take and subscribe the oath of abjuration following:

None to take benefit of this act as a protestant who does not conform and subscribe the declaration, and take the oath of abjuration therein.

(The declaration against transubstantiation then follows in the same form as that in the 30 Car. 2. stat. 2. c. 1. and the oath of abjuration then in use)

(For this declaration, see Appendix, i.)  
(For the oath of abjuration now in use, see Appendix, xxiii.  
See the changes in these oaths explained, part 1. chap. 3.)

§ 24. And for the preventing papists(*a*), having it in their power to breed dissention amongst protestants by voting at elections of members of parliament; be it further enacted, by the au-

\* The act imposes various disabilities upon papists, to which protestants were not liable. The Irish stat. 33 Geo. 3. c. 21. removes their disability to vote upon their conforming to what is required in that act.

(*a*) The Irish stat. 33 Geo. 3.

c. 21. § 1, dispenses with the necessity of papists taking the oath of allegiance and abjuration, in order to their voting. This section is therefore inserted merely as historically, tracing the footing upon which papists have stood with regard to elections.

2 Ann. c. 6.  
Irish.

No papist to  
vote at elec-  
tions without  
first taking the  
oaths of alle-  
giance, &c.  
(*Sed vide* 33  
Geo. 3. c. 21.  
§ 1. Irish.)

thority aforesaid, that from and after the twenty fourth day of March, one thousand seven hundred and three, no freeholder, burgess, freeman, or inhabitant of this kingdom, being a papist, or professing the popish religion, shall at any time hereafter be capable of giving his or their vote for the electing of knights of any shires or counties within this kingdom, or citizens or burgesses to serve in any succeeding parliament, without first repairing to the general quarter-sessions of the peace to be holden for the counties, cities, or boroughs, wherein such papist do inhabit and dwell, and there-voluntarily take the oath of allegiance in the words following.

(The oath of allegiance, according to the then form, follows:)

To be entered  
as herein, and  
certificate  
given,

or producing  
which, vote to  
be admitted.

And also the oath of abjuration aforesaid: and after the taking of the said several oaths aforesaid, the clerk of the peace officiating in the sessions, shall, and is by this act directed to enter the same upon record in the rolls of the said sessions; and is hereby empowered and required to give and deliver to such person or persons so taking the said oaths, a certificate of such persons so taking and subscribing the same, for which certificate the sum of one shilling, and no more, shall be paid, which said certificate being produced to the high sheriff of the said county, or any of his deputies at any such elections for knights of the shire, and to the respective chief officer or officers of any city, town corporate, or borough in this kingdom, to whom the return of any citizen or burgess to serve in parliament, doth or shall respectively belong, he or they shall be permitted

to vote as amply and fully as any protestant freeholder, burgess, or freeman, or inhabitant of the said county, city, or borough; but, in case any freeholder, burgess, freeman, or inhabitant, being a papist, shall appear at any such election as aforesaid, and tender himself to be polled for any candidate, who shall stand for knight of the shire, citizen, or burgess, to serve in any ensuing parliament, without producing such certificate as aforesaid, to the said sheriff, or other officer or officers as aforesaid, the said sheriff, or other officer or officers to whom such return doth or shall respectively belong, shall reject such person, and absolutely refuse to enter his vote, as if he were no freeholder of the said county, or burgess, freeman, or inhabitant of the said city or borough; any former law, statute, or usage to the contrary notwithstanding.

2 Ann. c. 6.  
Irish.

Otherwise re-  
jected.

The Irish Stat. 8 Geo. 1. c. 12. 1721.

*An Act for the better enabling of the Clergy having Cure of Souls, to reside upon their respective Benefices; and for the Encouragement of Protestant Schools within this Kingdom of Ireland.*

§ 9. “AND for the better encouragement of  
“*English* protestant schools, which are much  
“wanting in this kingdom,” be it enacted, by the  
authority aforesaid, that it shall and may be  
lawful for every archbishop and bishop, with  
such consent, and signified as before-men-

(see 5 Geo. 2.  
c. 4. post,  
ccvii.)

Bishops, digni-  
taries, and all  
ecclesiastical

8 Geo. 1. c. 12.

Irish.

persons with consent, &c. as in the act grant to church-wardens, two acres for a bishop, and one for others, for an *English* protestant schoolmaster, to be named by grantor, and successors, and licensed.

tioned, and also for every dean, archdeacon, dignitary, prebendary, rector, vicar, and ecclesiastical person whatsoever, with the consent of his archbishop or bishop, such consent to be signified by certificate, in writing under the hand and seal of such archbishop and bishop respectively, by deed or deeds under their respective hands and seals, (such deed and deeds, together with such certificates of such consent as aforesaid, to be enrolled as aforesaid respectively) to make an absolute grant unto the church-wardens of each parish, and their successors for ever; who are hereby enabled to take and hold such grant accordingly, of any quantity of land to any of them respectively belonging as glebe or otherwise, not exceeding two acres for an archbishop or bishop, and one acre for any other person before-mentioned, for the use of a resident protestant schoolmaster, to teach the *English* tongue, from time to time, to be nominated by the person making such a grant, and his successors, and licensed by the archbishop or bishop of the diocese respectively.

No such grant to make any freeholder.

§ 10. Provided that no land granted as aforesaid, for the use of any rector, vicar, or other ecclesiastical person, or of any school-master, shall be reputed to make such rector, vicar, ecclesiastical person, or schoolmaster, or any person under any of them deriving, a freeholder to any intent or purpose of law whatsoever.

The Irish Stat. 5 Geo. 2. c. 4. 1731.

*An Act for the further explaining and amending the several Laws for preventing Frauds committed by Tenants; and for the more easy Renewal of Leases; and for the further Amendment of the Law in certain Cases therein mentioned.*

(See stat. 23 & 24 Geo. 3. c. 49. Irish.)

§ 9. “AND whereas by the act of the eighth of king George the first, intituled, ‘*An act for the better enabling of the clergy, having cure of souls, to reside upon their respective benefices, and for the encouragement of protestant schools within this kingdom of Ireland,*’ all archbishops and bishops may make a grant of two acres of their land, and other ecclesiastical persons of one acre, for the use of a resident protestant schoolmaster to teach the *English* tongue and the fundamental principles of true religion, and whereas, it does appear that many popish children have been and are daily instructed in such *English* protestant schools:” for the further encouragement of the same, be it enacted, by the authority aforesaid, that it shall and may be lawful for all persons whatsoever, seized in fee-simple, fee-tail, or for life in possession, in any lands, with immediate remainder over to his, her, or their own issue, by his, her, or their deeds respectively, to grant any part of such lands, not exceeding one acre plantation measure, of the yearly value of thirty shillings, and being no part of the demesne lands usually occupied with, or reputed as demesne to, the mansion or chief dwelling-house belonging to

8 Geo. 1. c. 12. recited.

To encourage English protestant schools, all tenants in fee-tail or for life, in possession, immediate remainder to their issue, may grant to church-wardens for ever, one acre, of 30s. yearly value, no part of demesnes, &c. usually occupied with, or reputed as demesne to mansion, &c. belonging to such tenant.



5 Geo. 2. c. 4.  
Irish.

For resident  
protestant  
school-master  
to teach  
*English*.

Such grant  
not to give  
vote at elec-  
tions.

such tenant in fee-simple, fee-tail, or for life, for the use of a resident protestant school-master to teach the *English* tongue, to such children of poor papists, and all others as will resort to the same, and that the minister and church-wardens, and their successors for ever, of each respective parish, where such acre of land is or shall be so granted or set apart, shall be and are hereby empowered and made capable of receiving such grant or grants of land, not exceeding one acre plantation measure, for the use of such *English* resident protestant school-master to teach the *English* tongue, and to no other intent, use, or purpose whatsoever: provided that no such grantee or lessee shall be qualified to vote at the election of any member to serve in parliament as a freeholder; by virtue of such grant or lease.

Quakers.

The Irish stat. 9 Geo. 2. c. 16. made perpetual by the Irish stat. 9 Geo. 2. c. 18. § 1, 2, 3, permits quakers who shall be required upon any lawful occasion to take an oath in any civil case, where by law an oath is required, instead of an oath to make

their declaration or affirmation. By § 4, no person is to deemed a quaker within the act, unless he affirms that he is of the profession of the people called quakers, and hath been so for one year last past.

The English Stat. 6 Geo. 3. c. 53. 1766.

*An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of an Act of the Seventh Year of Her late Majesty Queen Anne, intituled, An Act for the Improvement of the Union of the two Kingdoms, as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason, or Misprision of Treason.*

(§ 1. GIVES a new abjuration oath).

§ 2. AND be it further enacted, by the authority aforesaid, that from and after the first day of August, one thousand seven hundred and sixty-six, the same oath of abjuration by this act appointed to be taken in *Great Britain*, shall be the oath of abjuration to be taken in the kingdom of *Ireland*, and the rest of his majesty's dominions, and no other, &c.

Oath of abjuration appointed by act to be taken in *Great Britain*, to be taken also in *Ireland*. (See ante, 2 Ann. c. 6. § 24. Irish.) See the oath, ante, xxvii. See stat. 21 & 22 Geo. 3. c. 48. Irish. Post, ccxii.

The Irish Stat. 19 & 20 Geo. 3. c. 25. 1779-80.

*An Act to explain an Act, entitled, An Act to prevent Frauds committed by Bankrupts.*

§ 9. “AND whereas, great inconveniences may arise from members of the house of commons, against whom commissions of bankruptcy may

On commission against

19 & 20 Geo.3.  
c. 25. Irish.

member not superseded within six months, and creditors proving debts not fully paid within six months, or if debts disputed, bankrupt not entering into bond with sureties to pay sums recovered or established, with costs, commissioners shall, after six months, certify the same to the speaker.

“ hereafter issue and be awarded, continuing to hold their seats in parliament:” be it enacted, by the authority aforesaid, that in all cases where a commission of bankruptcy shall issue and be awarded against any such member or members, and shall not be superseded within six months from the time of issuing thereof, and the creditors proving their debts under the same shall not be paid or satisfied to the full amount thereof, under the said commission, within six months after the issuing of such commission or otherwise, with respect to such of the debts, (if any) as shall be disputed by such bankrupt or bankrupts, he or they shall not, within the time aforesaid, enter into a bond or bonds in such sum and sums, and with two sufficient sureties, as the said commissioners, or the major part of them shall approve of, to pay such sum or sums as shall be recovered or established in any action, suit, or other proceeding in law or equity, concerning such debt or debts, together with such costs as shall be given in the same, that then the commissioners, or the major part of them named in such commission, shall, and they are hereby required, immediately after the expiration of six months from the issuing of the said commission, to certify to the speaker of the house of commons, that such commission had issued, and was not superseded within the time aforesaid; and that the creditors proving their debts under the said commission were not paid or satisfied to the full amount thereof under the said commission within six months from the time of issuing thereof; and that such bond or bonds as herein-before mentioned had not been entered into within that time, with respect to such of the debts, (if any) as the bankrupt or

bankrupts shall dispute, and thereupon the seat of such bankrupt or bankrupts shall be considered vacant in all respects, and the speaker shall issue his writ or writs to elect a member or members to serve in parliament, in the place of such bankrupt or bankrupts, and such bankrupt or bankrupts, or any person against whom a commission of bankruptcy shall issue, shall, from thenceforth be rendered incapable of being elected to serve in parliament, until his or their creditors shall be paid or satisfied, the full amount of their several debts claimed and proved, under the several commissions of bankruptcy, as shall issue against them.

19 & 20 Geo.3.  
c. 25. Irish.

Bankrupt's seat thereupon vacant, and speaker to issue writ to elect another member.

Bankrupt incapable of being elected till creditors paid fully, debts proved under commissions.

The Irish Stat. 19 & 20 Geo. 3. c. 29. 1779-80.

*An Act for naturalizing such foreign Merchants, Traders, Artificers, Artizans, Manufacturers, Workmen, Seamen, Farmers, and others, as shall settle in this Kingdom.*

§ 2. PROVIDED always, that no person, naturalized by this act, shall be enabled to serve in the present or any future parliament, nor to be of his majesty's privy council, nor to hold any office of trust, civil or military, in this kingdom.

See post the  
stat. 23 &  
24 Geo. 3.  
c. 38. Irish.  
36 Geo. 3.  
c. 48. Irish.  
42 Geo. 3.  
c. 61. U. K.  
Persons nat-  
uralized by  
by act, not to  
serve in par-  
liament.

The Irish Stat. 21 & 22 Geo. 3. c. 48. 1781-2.

10 H. 7. c. 22.  
Irish.

*An Act for extending certain of the Provisions contained in an Act intituled, An Act confirming all the Statutes made in England.*

Provisions in  
English sta-  
tutes as to  
oaths, &c. in  
Ireland hereby  
adopted.

§ 3. AND be it further enacted, by the authority aforesaid, that all such statutes made in *England or Great Britain*, as concern the stile or calendar, and also all such clauses and provisions contained in any statutes made as aforesaid, as relate to the taking any oath \* or oaths, or making or subscribing any declaration or affirmation in this kingdom, or any penalty or disability for omitting the same, or relate to the continuance of any office civil or military, or of any commission or of any writ, process, or proceeding at law, or in equity, or in any court of delegacy or review, in case of a demise of the crown, shall be accepted, used, and executed in this kingdom according to the present tenor of the same respectively.

\* The alterations in the abjuration oath are noticed in the second part of this volume. The abjuration oath

was given, as it now stands, by the stat. 6 Geo. 3. c. 53. § 1 & 2, of the statute. See also xxvii. ccix.

The Irish Stat. 23 & 24 Geo. 3. c. 38.  
1783-4.

*An Act for extending the Provisions of an Act passed in this Kingdom in the Nineteenth and Twentieth Year of His Majesty's Reign, entituled, An Act for naturalizing such foreign Merchants, Traders, Artificers, Artizans, Manufacturers, Workmen, Seamen, Farmers, and others, as shall settle in this Kingdom.*

See stats. 19 &  
20. Geo. 3. c.  
29. Irish.  
36 Geo. 3. c.  
48. Irish.  
42 Geo. 3. c.  
61. U.K.

(By § 1. All foreigners, of any sect, except Jews, coming to settle in *Ireland*, and taking the oath therein, to be deemed natural subjects.)

§ 2. Provided always, that no persons so naturalized by this act, shall have power, or be entitled to serve in the present, or any future parliament, nor be of his majesty's most honorable privy council, nor be a peer of this realm, nor shall be entitled to hold any office of trust or profit, civil or military, unless he shall be a protestant, and shall have resided in this kingdom three years at one or different periods, from the day of passing this act.

Persons naturalized by act not entitled to be in parliament, unless protestants, and resident three years.

§ 3. Provided also, that no person so naturalized by this act, shall be entitled, by virtue of such naturalization, to vote in any election for the choice of any representative in parliament for any city, county of a city, borough, or town corporate, or in any election for the choice of any magistrate for

Nor to vote at elections of members of parliament, unless such right obtained as by other subjects.

23 & 24 Geo. 3.  
c. 38. Irish.

any city, county of a city, borough, or town corporate, of which, by virtue of this or any former act of naturalization, he shall have been made free, unless he shall have obtained such right of voting, by such ways, means, and methods only as all other his majesty's subjects of this kingdom have hitherto, or shall hereafter obtain the same, any thing in this act to the contrary notwithstanding.

The Irish Stat. 23 & 24 Geo. 3. c. 49. 1783-4.

(See 5 Geo. 2.  
c. 4. Irish.  
ante cccii.)

*An Act for making appropriate Parishes belonging to Archbishops and Bishops perpetual Cures, and the better to enable such Archbishops and Bishops to endow and augment the Endowments of Vicarages and Curacies to them respectively appropriate, and to render more effectual the several Acts now in force, to enable the Clergy having Cure of Souls to reside upon their respective Benefices, and to build on their respective Glebe Lands.*

Archbishop or bishop on endowments under the act, may allocate land not exceeding six acres, for master of free school, and sexton.

§ 9. AND be it enacted, by the authority aforesaid, that it shall and may be lawful for the archbishop or bishop of the diocese wherein any such endowment as aforesaid shall be granted, or shall, in pursuance of any act of parliament now in force, be hereafter granted by writing under his hand and archiepiscopal or episcopal seal, to allocate and appoint any part of any lands so to be granted as a perpetual glebe, not exceeding six acres, as and for demesnes for a master of a free school, and sexton of the pa-

rish, in such proportions as such archbishop or bishop shall judge to be proper, and the same from henceforth shall for ever be deemed severally the demesnes of the master of the free school, and sexton of such parish, for the time being; provided that no such master of a free school, or sexton, shall be qualified to vote at the election of any member to serve in parliament as a freeholder by virtue of such grant.

23 & 24 Geo. 3.  
c. 49. Irish.

Master of free school, or sexton, not qualified thereby to vote at elections.

The Irish Stat. 26 Geo. 3. c. 61. 1786.

*An Act for the Improvement of the City of Dublin, and the Environs thereof, by the better paving, lighting, and cleansing the same.*

(§ 5. ENACTS the appointment of certain directors and certain commissioners therein named.)

§ 6. And be it enacted, by the authority aforesaid, that it shall and may be lawful to and for the said directors, or any five or more of them, to and with the consent and approbation of the lord-lieutenant, or other chief governor or governors of this kingdom for the time being, to remove all or any of the said commissioners, and with like consent and approbation, by writing under their hands and seals, to appoint one or more person or persons, not being a member of parliament, in the place of such commissioner or commissioners so re-

Directors, with consent and approbation of lord-lieutenant, may remove commission for paving, &c. and appoint persons not being members of parliament to succeed them.



26 Geo. 3.  
c. 61. Irish.

moved, or whose place shall be vacated by death or resignation (*a*).

The Irish Stat. 30 Geo. 3. c. 20. 1790.

(See 29 Geo. 3.  
c. 33. Irish  
stat. and 43  
Geo. 3. U. K.  
c. xxii. local  
act.)

*An Act for the better enabling the Royal Canal Company to carry on and compleat the Royal Canal from the City of Dublin to Tarmonbury, on the River Shannon.*

Company may  
purchase lands  
not exceeding  
500*l.* per an-  
num, at time  
of purchase,  
&c.

§ 9. AND be it further enacted, by the authority aforesaid, that the said royal canal company shall be capable in law to purchase and take any lands, tenements, or hereditaments, over and besides those to be used for the purposes of the said navigations, not exceeding the value of five hundred pounds by the year, at the time of such purchase or taking, and to grant, alien, demise, or dispose of the same, or any part thereof, at their free will and pleasure.

§ 10. Provided always, and be it enacted, that it shall not be lawful for any of the member or members of the said company, or any person whatever, to vote at an election of any member

(*a*) See stats. U. K. 45 Geo. 3. c. 112, and 46 Geo. 3. c. 68, by which the lord-lieutenant is empowered to suspend the powers of the paving corporation, and to appoint commissioners. It

appears by the recital of the latter act, that the lord-lieutenant has suspended the powers of the corporation, but if they should be restored the operation of this act would revive.

or members of parliament for any city, county, or borough, within this kingdom, in right of any estate or interest in any lands, tenements, or hereditaments, which may be purchased or acquired by the said company, by virtue or in pursuance of any of the powers by this act vested in the said company, and that no person whatever shall, by virtue or in right of any grant, lease, or demise whatever, made to him by the said company, of any such lands, tenements, or hereditaments, or of any estate or interest therein derived, mediately or immediately, under the said company, have or acquire any right whatever, to vote as an elector on any such election as aforesaid, any thing in this act contained notwithstanding.

30 Geo. 3. c.  
20. Irish.

Not lawful for  
any person to  
vote at an  
election in  
right of such  
purchase.

The Irish Stat. 33 Geo. 3. c. 21. 1793.

*An Act for the Relief of His Majesty's Popish, or Roman Catholic Subjects of Ireland.*

“ WHEREAS various acts of parliament have  
“ been passed, imposing on his majesty's sub-  
“ jects professing the popish or Roman catholic  
“ religion, many restraints and disabilities, to  
“ which other subjects of this realm are not  
“ liable; and from the peaceable and loyal de-  
“ meanour of his majesty's popish or Roman  
“ catholic subjects, it is fit that such restraints  
“ and disabilities shall be discontinued:” Be it  
therefore enacted, by the king's most excellent  
majesty, by and with the advice and consent  
of the lords spiritual and temporal, and com- Preamble.

33 Geo. 3. c.  
21. Irish.

His majesty's subjects professing the Roman catholic religion, or married to papists, or educating their children in that religion, not liable to penalties or incapacities, &c. or to laws for limitation, &c. of their estates and property, &c. save such as protestants are subject to; such parts of oaths required of persons in order to qualify them to vote as purport to deny that the person taking the same is a papist, or married to a papist, &c. not to be taken by voters at elections, but to be omitted by person administering. Oaths of allegiance and abjuration not necessary to be taken by papists at or previous to voting.

mons in this present parliament assembled, and by the authority of the same, that his majesty's subjects being papists, or persons professing the popish or Roman catholic religion, or married to papists, or persons professing the popish or Roman catholic religion, or educating any of their children in that religion, shall not be liable or subject to any penalties, forfeitures, disabilities, or incapacities, or to any laws for the limitation, charging, or discovering of their estates and property real or personal, or touching the acquiring of property, or securities affecting property, save such as his majesty's subjects of the protestant religion are liable and subject to; and that such parts of all oaths as are required to be taken by persons in order to qualify themselves for voting at elections of members to serve in parliament; and also such parts of all oaths required to be taken by persons voting at elections for members to serve in parliament, as import to deny that the person taking the same is a papist, or married to a papist, or educates his children in the popish religion, shall not hereafter be required to be taken by any voter, but shall be omitted by the person administering the same; and that it shall not be necessary, in order to entitle a papist, or person professing the popish or Roman catholic religion, to vote at an election of members to serve in parliament, that he should at, or previous to his voting, take the oaths of allegiance and abjuration, any statute now in force to the contrary, of any of the said matters in any wise notwithstanding.

§ 2. Provided always, and be it further enacted, that all papists, or persons professing the popish or Roman catholic religion, who may

Roman catholic  
liens claiming a  
vote,

claim to have a right of voting for members to serve in parliament, or of voting for magistrates in any city, town corporate, or borough, within this kingdom, be hereby required to perform all qualifications, registries, and other requisites, which are now required of his majesty's protestant subjects in like cases, by any law or laws now of force in this kingdom, save and except such oaths, and parts of oaths, as are hereinbefore excepted.

33 Geo. 3. c. 21. Irish.

to perform all qualifications, &c. as protestants in like cases, save as hereinbefore excepted.

§ 3. And provided always, that nothing hereinbefore contained, shall extend, or be construed to extend, to repeal, or alter, any law or act of parliament now in force, by which certain qualifications are required to be performed by persons enjoying any offices or places of trust under his majesty, his heirs, and successors, other than as hereinafter is enacted.

Not to extend to repeal, or alter any law requiring qualifications from persons in office under his majesty, save as herein.

§ 4. Provided also, that nothing herein contained shall extend, or be construed to extend, to give papists, or persons professing the popish religion, a right to vote at any parish vestry, for levying of money to rebuild, or repair any parish church, or respecting the demising or disposal of the income of any estate belonging to any church or parish, or for the salary of the parish clerk, or at the election of any church-warden.

No right to vote at parish vestries, for purposes herein.

§ 5. Provided always, that nothing contained in this act shall extend to, or be construed to affect any action or suit now depending, which shall have been brought or instituted previous to the commencement of this session of parliament.

This act not to affect any action, &c. now depending, if instituted previous to this session.

33 Geo. 3. c.  
21. Irish.

Not to authorize the keeping of arms, &c. nor to exempt from forfeitures respecting arms, unless seised of a freehold estate of 100*l.* per annum, or possessed of a personal estate of 1000*l.* or upwards, save as to Roman catholics of freehold estate of 10*l.* per ann. and less than 100*l.* or personal estate of 500*l.* and less than 1000*l.* who shall have taken the oath of allegiance as herein.

(For the oath,  
see stat. 13 & 14  
Geo. 3. c. 35.  
§ 1. Irish.)

And make affidavit in open court, &c.

Name and nature of property to be specified in affidavit.

§ 6. Provided also, that nothing herein contained shall extend to authorize any papist, or person professing the popish or Roman catholic religion, to have or keep in his hands or possession, any arms, armour, ammunition, or any warlike stores, sword blades, barrèls, locks, or stocks of guns, or fire-arms, or to exempt such person from any forfeiture or penalty, inflicted by any act respecting arms, armour, or ammunition, in the hands or possession of any papist, or respecting papists having or keeping such warlike stores, save and except papists, or persons of the popish or Roman catholic religion, seised of a freehold estate of one hundred pounds a year, or possessed of a personal estate of one thousand pounds or upwards, who are hereby authorized to keep arms and ammunition as protestants now by law may; and also, save and except papists or Roman catholics possessing a freehold estate of ten pounds yearly value, and less than one hundred pounds, or a personal estate of three hundred, and less than one thousand pounds, who shall have at the session of the peace in the county in which they reside, taken the oath of allegiance prescribed to be taken by an act passed in the thirteenth and fourteenth years of his present majesty's reign, entitled *An act to enable his majesty's subjects, of whatever persuasion, to testify their allegiance to him*; and also in open court, swear and subscribe an affidavit, that they are possessed of a freehold estate, yielding a clear yearly profit to the person making the same of ten pounds, or a personal property of three hundred pounds above his just debts, specifying therein the name and nature of such freehold, and nature of such personal property,

which affidavits shall be carefully preserved by the clerk of the peace, who shall have for his trouble a fee of sixpence, and no more, for every such affidavit, and the person making such affidavit, and possessing such property, may keep and use arms and ammunition as protestants may, so long as they shall respectively possess a property of the annual value of ten pounds and upwards, if freehold, or the value of three hundred pounds, if personal, any statute to the contrary notwithstanding.

33 Geo. 8. c.  
21. Irish.

Affidavit to be preserved by clerk of peace; sixpence fee. Persons making such affidavit, &c. may use arms as protestants, &c.

§ 7. And be it enacted, that it shall and may be lawful for papists, or persons professing the popish or Roman catholic religion, to hold, exercise, and enjoy all civil and military offices, or places of trust or profit under his majesty, his heirs, and successors, in this kingdom; and to hold or take degrees, or any professorship in, or be masters, or fellows of any college, to be hereafter founded in this kingdom, provided that such college shall be a member of the university of *Dublin*, and shall not be founded exclusively for the education of papists, or persons professing the popish or Roman catholic religion, nor consist exclusively of masters, fellows, or other persons to be named or elected on the foundation of such college, being persons professing the popish or Roman catholic religion, or to hold any office or place of trust, in, and to be a member of any lay body corporate, except the college of the holy and undivided trinity of queen *Elizabeth*, near *Dublin*, without taking and subscribing the oaths of allegiance, supremacy, or abjuration, or making or subscribing the declaration required to be taken, made, and subscribed, to enable any person to hold and enjoy any of such places, and without receiving the sacrament of

Roman catholics may hold civil and military offices, or places of trust, under his majesty; may take degrees or professorships, or be fellows of any college to be hereafter founded, provided such college be a member of the university of *Dublin*, &c.

Roman catholic may be a member of any lay body corporate, except trinity college, without taking the oath of allegiance, &c. or subscribing declaration on receiving sacrament, &c.

33 Geo. 3. c.  
21. Irish.

provided he  
take and sub-  
scribe the oath  
of 13 & 14  
Geo. 3.

and also the  
following

Oath.

the Lord's supper, according to the rites and ceremonies of the church of *Ireland*, any law, statute, or bye-law of any corporation, to the contrary notwithstanding; provided that every such person shall take and subscribe the oath appointed by the said act, passed in the thirteenth and fourteenth years of his majesty's reign, entitled *An act to enable his majesty's subjects, of whatever persuasion, to testify their allegiance to him*; and also the oath and declaration following: that is to say,

“ I, *A. B.* do hereby declare, that I do pro-  
“ fess the Roman catholic religion. I, *A. B.*  
“ do swear, that I do abjure, condemn, and de-  
“ test, as unchristian and impious, the prin-  
“ ciple that it is lawful to murder, destroy, or  
“ any ways injure, any person whatsoever, for,  
“ or under the pretence of being an heretick; and  
“ I do declare solemnly before God, that I be-  
“ lieve that no act in itself unjust, immoral, or  
“ wicked, can ever be justified or excused by,  
“ or under pretence, or colour, that it was done  
“ either for the good of the church, or in obe-  
“ dience to any ecclesiastical power whatsoever.  
“ I also declare, that it is not an article of the  
“ catholic faith, neither am I thereby required  
“ to believe or profess that the pope is infal-  
“ lible, or that I am bound to obey any order in  
“ its own nature immoral, though the pope, or  
“ any ecclesiastical power should issue or direct  
“ such order, but on the contrary, I hold, that  
“ it would be sinful in me to pay any respect  
“ or obedience thereto: I further declare, that  
“ I do not believe that any sin whatsoever,  
“ committed by me, can be forgiven at the  
“ mere will of any pope, or of any priest, or of  
“ any person or persons whatsoever; but that

“ sincere sorrow for past sins, a firm and sin-  
 “ cere resolution to avoid future guilt, and to  
 “ atone to God, are previous and indispen-  
 “ sible requisites to establish a well-founded  
 “ expectation of forgiveness; and that any  
 “ person who receives absolution without these  
 “ previous requisites, so far from obtaining  
 “ thereby any remission of his sins, incurs the  
 “ additional guilt of violating a sacrament;  
 “ and I do swear, that I will defend to the ut-  
 “ most of my power, the settlement and ar-  
 “ rangement of property in this country as  
 “ established by the laws now in being; I do  
 “ hereby disclaim, disavow, and solemnly ab-  
 “ jure any intention to subvert the present  
 “ church establishment, for the purpose of sub-  
 “ stituting a catholic establishment in its stead;  
 “ and I do solemnly swear, that I will not ex-  
 “ ercise any privilege to which I am or may  
 “ become entitled, to disturb and weaken the  
 “ protestant religion, and protestant govern-  
 “ ment in this kingdom.

33 Geo. 3. c.  
 21. Irish.

“ So help me God.”

§ 8. And be it enacted, that papists, or per-  
 sons professing the popish or Roman catholic  
 religion, may be capable of being elected pro-  
 fessors of medicine; upon the foundation of  
*sir Patrick Dunn*, any law or statute to the  
 contrary notwithstanding.

Papists may  
 be professors  
 of medicine,  
 upon the foun-  
 dation of *sir*  
*P. Dunn*.

§ 9. Provided always, and be it enacted, that  
 nothing herein contained, shall extend, or be  
 construed to extend, to enable any person to  
 sit or vote in either house of parliament, or to  
 hold, exercise, or enjoy the office of lord-licute-  
 nant, lord deputy, or other chief governor or  
 governors of this kingdom, lord high chancel-

No person to  
 sit or vote in  
 parliament, or  
 hold the offices  
 herein, or any  
 office, contra-  
 ry to the rules  
 and orders  
 made by the  
 lord-lieutenant



33 Geo. 3. c.  
21. Irish.

and council, in  
pursuance of  
the act of  
17 & 18 Car. 2.  
unless he take  
and subscribe  
the oath, &c.  
as herein.  
Offices enu-  
merated.

Recital of 17  
& 18 C. 2.

lor or keeper, or commissioner of the great seal of this kingdom, lord high treasurer, chancellor of the exchequer, chief justice of the court of king's bench, or common pleas, lord chief baron of the court of exchequer, justice of the court of king's bench or common pleas, or baron of the court of exchequer, judge of the high court of admiralty, master or keeper of the rolls, secretary of state, keeper of the privy seal, vice-treasurer, or deputy vice-treasurer, teller and cashier of the exchequer, or auditor-general, lieutenant or governor, or *custos rotulorum* of counties, secretary to the lord-lieutenant, lord deputy, or other chief governor or governors of this kingdom, member of his majesty's most honorable privy council, prime serjeant, attorney-general, solicitor-general, second and third serjeants at law, or king's council, masters in chancery, provost, or fellow of the college of the holy and undivided trinity of queen *Elizabeth*, near *Dublin*, postmaster-general, master and lieutenant-general of his majesty's ordnance, commander-in-chief of his majesty's forces, generals on the staff, and sheriffs, and sub-sheriffs of any county in this kingdom; or any office contrary to the rules, orders, and directions made and established by the lord-lieutenant and council, in pursuance of the act passed in the seventeenth and eighteenth years of the reign of king Charles the second, entitled, *An act for the explaining of some doubts arising upon an act, entitled, An act for the better execution of his majesty's gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers, and other his subjects there, and for making some alterations of, and additions unto the said act, for the more speedy*

and effectual settlement of this kingdom, unless he shall have taken, made, and subscribed, the oaths and declaration, and performed the several requisites which by any law heretofore made, and now of force, are required to enable any person to sit or vote, or to hold, exercise, and enjoy the said offices respectively.

33 Geo. 3. c.  
51. Irish.

unless he take  
the oaths and  
perform the re-  
quisites here-  
tofore required  
to enable him.

§ 10. Provided also, and be it enacted, that nothing in this act contained shall enable any papist, or person professing the popish or Roman catholic religion, to exercise any right of presentation to any ecclesiastical benefice whatsoever.

No right of  
presentation  
by papists to  
any ecclesias-  
tical benefice.

§ 11. And be it enacted, that no papist, or person professing the popish or Roman catholic religion, shall, be liable to, or subject to any penalty for not attending divine service on the Sabbath-day, called *Sunday*, in his or her parish church.

No penalty  
on papists for  
not attending  
divine service  
in parish  
church.

§ 12. Provided also, and be it enacted, that nothing herein contained shall be construed to extend to authorize any popish priest, or reputed popish priest, to celebrate marriage between protestant and protestant, or between any person who hath been, or professed himself or herself to be a protestant, at any time within twelve months before such celebration of marriage, and a papist, unless such protestant and papist shall have been first married by a clergyman of the protestant religion; and that every popish priest, or reputed popish priest, who shall celebrate any marriage between two protestants, or between any such protestant and papist, unless such protestant and papist shall have been first married by a clergyman of the protestant

Popish priest  
not to cele-  
brate marriage  
between pro-  
testants; nor  
between per-  
sons professing  
himself or her-  
self a protest-  
ant, within  
twelve months  
before celebra-  
tion, and a  
papist unless  
first married  
by protestant  
clergyman,

33 Geo. 3. c.  
21. Irish.  
~~~~~  
penalty 500*l*.

religion, shall forfeit the sum of five hundred pounds to his majesty, upon conviction thereof.

After 1st June, 1793, no oaths except those of allegiance and abjuration necessary, on taking degrees in Trinity college, Dublin.

§ 13. And whereas it may be expedient, in case his majesty, his heirs and successors, shall be pleased so to alter the statutes of the college of the holy and undivided *Trinity* near *Dublin*, and of the university of *Dublin*, as to enable persons professing the Roman catholic religion to enter into, or to take degrees in the said university, to remove any obstacle which now exists by statute law, be it enacted, that from and after the first day of *June*, one thousand seven hundred and ninety-three, it shall not be necessary for any person upon taking any of the degrees usually conferred by the said university, to make or subscribe any declaration, or to take any oath save the oaths of allegiance and abjuration, any law or statute to the contrary notwithstanding.

No benefit under this act, unless the oath and declaration be made and subscribed, and also the oath appointed by 13 & 14 Geo. 3. c. 35. as herein.

§ 14. Provided always, that no papist or Roman catholic, or person professing the Roman catholic or popish religion, shall take any benefit by, or under this act, unless he shall have first taken and subscribed the oath and declaration in this act contained and set forth, and also the said oath (*a*) appointed by the said act

(For the oath, &c. in this act, see § 7.)

(*a*) *The oath in the Irish stat. 13 & 14 Geo. 3. c. 35. § 1.*

“ I, *A. B.* do take Almighty
“ God and his only Son Jesus
“ Christ, my redeemer, to
“ witness, that I will be faith-
“ ful, and bear true allegi-
“ ance to our most gracious
“ sovereign lord king *George*

“ the third, and him will de-
“ fend to the utmost of my
“ power against all conspira-
“ cies and attempts whatever,
“ that shall be made against
“ his person, crown, and dig-
“ nity; and I will do my ut-
“ most endeavour to disclose
“ and make known to his
“ majesty, and his heirs, all

passed in the thirteenth and fourteenth years of his majesty's reign, intituled, "*An act to*

33 Geo. 3. c.
21. Irish.

" treasons and traiterous con-
" spiracies which may be
" formed against him or them;
" and I do faithfully promise
" to maintain, support, and
" defend, to the utmost of my
" power, the succession of the
" crown in his majesty's fa-
" mily, against any person or
" persons whatsoever; here-
" by utterly renouncing and
" abjuring any obedience or
" allegiance unto the person
" taking upon himself the stile
" and title of prince of *Wales*,
" in the life-time of his father,
" and who, since his death, is
" said to have assumed the
" stile and title of king of
" *Great Britain and Ireland*,
" by the name of *Charles* the
" third, and to any other per-
" son claiming or pretending
" a right to the crown of these
" realms; and I do swear
" that I do reject and detest
" as unchristian and impious
" to believe, that it is lawful
" to murder or destroy any
" person or persons whatso-
" ever, for or under pretence
" of their being hereticks;
" and also that unchristian
" and impious principle, that
" no faith is to be kept with
" hereticks: I further declare,
" that it is no article of my
" faith, and that I do re-
" nounce, reject, and abjure
" the opinion that princes ex-
" communicated by the pope
" and council, or by any au-

" thority of the see of *Rome*,
" or by any authority what-
" soever, may be deposed or
" murdered by their subjects,
" or by any person whatso-
" ever; and I do promise that
" I will not hold, maintain,
" or abet any such opinion,
" or any other opinion con-
" trary to what is expressed
" in this declaration; and I
" do declare, that I do not
" believe that the pope of
" *Rome*, or any other foreign
" prince, prelate, state or po-
" tentate, hath, or ought to
" have, any temporal or civil
" jurisdiction, power, supe-
" riority, or pre-eminence,
" directly or indirectly, with-
" in this realm; and I do so-
" lemnly, in the presence of
" God, and of his only Son
" Jesus Christ, my redeemer,
" profess, testify, and declare,
" that I do make this decla-
" ration and every part there-
" of, in the plain and ordi-
" nary sense of the words of
" this oath, without any eva-
" sion, equivocation, or men-
" tal reservation whatever,
" and without any dispensa-
" tion already granted by the
" pope, or any authority of
" the see of *Rome*, or any
" person whatever; and with-
" out thinking that I am, or
" can be acquitted before
" God or man, or absolved of
" this declaration, or any
" part thereof, although the

83 Geo. 3. c.
21. Irish.



“ enable his majesty's subjects, of whatsoever persuasion, to testify their allegiance to him,” in some one of his majesty's four courts in *Dublin*, or at the general sessions of the peace, or at any adjournment thereof to be holden for the county, city, or borough, wherein such papist or Roman catholic, or person professing the Roman catholic or popish religion, doth inhabit or dwell, or before the going judge or judges of assize, in the county wherein such papist or Roman catholic, or person professing the Roman catholic or popish religion, doth inhabit and dwell, in open court.

Names to be
inserted on
rolls;
(See 37 Geo. 3.
c. 47. § 19.)

Rolls to be
transmitted to
rolls office:

Masters of
rolls, &c. to
give certifi-
cates as herein.
(No form of
certificate is
given here, but
see a certificate
of taking oaths
at English elec-
tions. Ante,
xxxiv.)

§ 15. Provided always, and be it enacted, that the names of such persons as shall so take and subscribe the said oaths and declaration, with their titles and additions, shall be entered upon the rolls, for that purpose to be appointed by said respective courts; and that the said rolls, once in every year, shall be transmitted to, and deposited in, the rolls office in this kingdom, to remain amongst the records thereof; and the masters or keepers of the rolls in this kingdom, or their lawful deputy or deputies, are hereby empowered and required to give and deliver to such person or persons so taking and subscribing the said oaths and declaration, a certificate or certificates of such person or persons having taken and subscribed the said oaths and declaration, for each of which certificates the sum of one shilling and no more shall be paid.

“ pope or any other person or
“ persons, or authority what-
“ soever, shall dispense with
“ or annul the same, or de-

“ clare that it was null and
“ void from the beginning.
“ So help me God.”

§ 16. And be it further provided and enacted, that from and after the first day of *April*, one thousand seven hundred and ninety-three, no freeholder, burgess, freeman, or inhabitant of this kingdom, being a papist or Roman catholic, or person professing the Roman catholic or popish religion, shall at any time be capable of giving his vote for the electing of any knight or knights, of any shire or county within this kingdom, or citizen or burgess, to serve in any parliament, until he shall have first produced and shewn to the high sheriff of the said county, or his deputy or deputies, at any election of a knight or knights of the said shire, and to the respective chief officer or officers of any city, borough, or town corporate, to whom the return of any citizen or burgess to serve in parliament doth or shall respectively belong, at the election of any citizen or burgess to serve in parliament, such certificate of his having taken and subscribed the said oaths and declaration, either from the rolls-office, or from the proper officer of the court in which the said oaths and declaration shall be taken and subscribed; and such person being a freeholder, freeman, burgess, or inhabitant, so producing and shewing such certificate, shall be then permitted to vote as amply and fully as any protestant freeholder, freeman, burgess, or inhabitant of such county, city, borough, or town corporate, but not otherwise.

33 Geo. 3. c.
21. Irish.

From 1st *April*, no freeholder, &c. being a Roman catholic, capable of giving his vote for electing a member to serve in parliament, until he has produced certificate to returning officer.

But on producing such certificate papists to vote as amply as protestants.

The Irish Stat. 33 Geo. 3. c. 34. 1793.

An Act for the Support of the Honour and Dignity of His Majesty's Crown in Ireland, and for granting to His Majesty a Civil List Establishment, under certain Provisions and Regulations.

All works carried on at the public expence to be under the control of the board of works;

lord-lieutenant to appoint an architect to superintend public buildings; such person not to sit in parliament.

§ 21. AND be it enacted and declared, that all public buildings or works of any kind whatsoever, carried on solely at the public expence, shall be hereafter in the execution of the same, under the sole management, inspection, and control of his majesty's board of works; and to provide for the due and faithful execution of the work, the lord-lieutenant as soon as conveniently may be after the passing of this act, shall appoint by warrant an architect or inspector of civil buildings (he being *bonâ fide* an architect or builder), who shall superintend the execution of all public works, under the direction of the commissioners of the board of works, and who is hereby declared, and shall be incapable of sitting or voting in parliament.

The Irish Stat. 33 Geo. 3. c. 41. 1793.

An Act for securing the Freedom and Independence of the House of Commons, by excluding therefrom Persons holding any Offices under the Crown, to be hereafter created, or holding certain Offices therein enumerated, or Pensions for Terms of Years, or during His Majesty's Pleasure.

See 41 Geo. 3.
c. 52. U. K.

“FOR the better preserving the constitution and freedom of parliament;” be it enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that no person who shall have in his own name, or in the name of any person or persons in trust for him, or for his benefit, any office or place of profit under the crown, at any time after the passing of this act, created or erected; nor any person having any pension from the crown during pleasure, or for a term of years; nor any person whose wife shall have any pension from the crown during pleasure, or for a term of years; nor any surveyor-general in the revenue, nor any collector in the revenue, appointed by the commissioners of customs or excise, save only the collectors of the customs and excise in the port of *Dublin*, and in the county of, and city of *Dublin*; nor any of the secretaries to the commissioners of customs, to the excise, to the commissioners of accounts, to the commissioners of the barracks, to the post-office, or to the board of ordnance; nor the paymaster of bounties on

No person who shall have a place of profit created after this act, or having a pension for years, or during pleasure, or whose wife shall have such;

nor any surveyor-general, or collector of revenue, except in *Dublin*;

nor secretaries to the different commissioners herein mentioned;

nor paymaster

33 Geo. 3. c.
41. Irish.

of corn boun-
ties shall be
elected a mem-
ber of parlia-
ment.

Offices revived
after five
years disuse,
or 100l. a year
added to sa-
lary, deemed
new offices.

If his ma-
jesty appoints
commissioners
of treasury
they and their
secretary may
be elected
members.

Members who,
after 31st De-
cember, 1793,
accept offices
of profit from
the crown,
shall vacate
their seats.

corn coming coastways to the city of *Dublin*, shall be capable of being elected a member of the house of commons in this present parliament, or of being elected, or of sitting and voting as a member of the house of commons, in any parliament which shall be hereafter summoned and holden.

§ 2. And be it further enacted, that if any office under the crown hath been abolished or disused for the space of five years, before the passing of this act, shall be re-established, or if any additional salary exceeding one hundred pounds *per annum*, shall, after the passing of this act, be added to the salary of any office, or if a salary of one hundred pounds *per annum* shall be granted to any office to which no salary is now granted, every such office shall be deemed a new office, within the true intent and meaning of this act.

§ 3. Provided always, that if his majesty shall think fit to grant the office of high treasurer of *Ireland*, to be executed by commissioners, it shall and may be lawful for such commissioners, and for the secretary of such commissioners, to be elected members of, and to sit and vote in the house of commons.

§ 4. Provided also, and be it enacted, that if any person being chosen a member of the house of commons shall, after the thirty-first day of *December*, one thousand seven hundred and ninety-three, accept any office of profit from the crown, during such time as he shall continue a member, his seat shall thereupon become vacant, and a writ shall issue for a new election.

§ 5. Provided nevertheless, that such person shall be capable of being again elected to be a member of the house of commons, for the place for which he had been a member, or any other place sending members to the house of commons.

33 Geo. 3. c.
41. Irish

Such persons
may be re-
elected.

§ 6. Provided also, and be it enacted, that in order to prevent for the future too great a number of commissioners being appointed or constituted for the execution of any office, no greater number of commissioners shall be made or constituted for the execution of any office, than have been employed in the execution of such office, at some time before the first day of the present parliament.

No additional
commissioners
may be ap-
pointed.

§ 7. Provided always, that it shall and may be lawful for his majesty, his heirs and successors, to appoint commissioners for the purpose of executing the office of high treasurer of this kingdom.

King may ap-
point commis-
sioners of
treasury.

§ 8. Provided always, that nothing herein contained shall extend, or be construed to extend, to any member of the house of commons, being an officer of his majesty's army, militia, or navy, or who shall receive any new or other commission or warrant in the army or navy respectively; nor to any person having or accepting an office for life, or during good behaviour.

Act not to ex-
tend to officers
in army, mili-
tia, or navy,
&c.

§ 9. And be it further enacted, that if any person hereby disabled or declared incapable of sitting or voting in the house of commons, shall nevertheless be returned as a member to serve for any county, city, borough, town, or place in

Elections of
persons hereby
deemed inca-
pable shall be
void;

33 Geo. 3. c.
41. Irish.
and such persons presum-
ing to sit or
vote, forfeit
500l. to person
suing.
(See 41 Geo. 3.
c. 52. § 6.)

parliament, such election and return are hereby declared to be void, to all intents and purposes; and if any person so hereafter returned, and disabled or incapable by this act to be elected, shall presume to sit or vote as a member of the house of commons, such person so sitting or voting shall forfeit the sum of five hundred pounds, to be recovered by such person as shall sue for the same, in any of his majesty's courts of record in *Dublin*, by action, debt, bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed, and only one imparlance.

Persons who
shall be ap-
pointed to
places of
200l. a year
hereafter cre-
ated, shall
swear they are
not for mem-
bers of parlia-
ment.

§ 10. And be it further enacted, that from and after the passing of this act, it shall not be lawful for any person who shall be appointed to any civil office, or place of profit under the crown, the salary and perquisites of which shall amount to two hundred pounds a year, which shall be hereafter created or erected, to execute the duties, or to receive the salary or profits of such office, until he shall have taken before a baron of the court of exchequer, the oath following, to wit:

Oath.

“ I, *A. B.* do swear, that I have not accepted,
“ and will not hold the office of
“ in trust, or for the use or benefit, directly or
“ indirectly, of any member of the house of
“ commons.

“ So help me God.”

§ 11. And be it further enacted, that from and after the passing of this act, every person who shall be elected a member of the house of commons, shall, at the time he takes his seat in the

said house, take and subscribe the oath following, to wit: 33 Geo. 41.

“ I, *A. B.* do swear, that I do not hold in my
 “ own name, or in the name of any person in
 “ trust for me, or for my benefit, any pension
 “ for years, or during his majesty’s pleasure, or
 “ any office or place of profit under the crown,
 “ which is rendered by act of parliament in-
 “ compatible with the holding a seat in the
 “ house of commons. Oath taken by member on taking seat.

“ So help me God.”

The Irish Stat. 35 Geo. 3. c. 29. 1795.

An Act for regulating the Election of Members to serve in Parliament, and for repealing the several Acts therein mentioned.

“ WHEREAS the laws for regulating the elec-
 “ tion and return of members to serve in parlia-
 “ ment, have been found inadequate to the pur-
 “ poses intended:” Be it therefore enacted, by
 the king’s most excellent majesty, by and with
 the advice and consent of the lords spiritual and
 temporal, and commons in this present parlia-
 ment assembled, and by the authority of the
 same, that from and after the first day of *June*,
 which will be in the year one thousand seven
 hundred and ninety-five, an act passed in the
 second year of the reign of king *George* the
 first, intituled, “ *An act for the more effectual*
 “ *preventing fraudulent conveyances, in order* From 1st 1795. 2 Geo. 1.

85 Geo. 3. c.
29. Irish.

Except such
part as relates
to election of
an alderman or
burgess.

1 Geo. 2. c. 9.

Except so
much as relates
to the new
election of an
alderman or
burgess.

19 Geo. 2. c.
11.

And so much
of 21 Geo. 2.
c. 10. as relates
to elections of
members.

3 Geo. 3. c. 13.

*“ to multiply votes for electing members to
“ serve in parliament, and for preventing
“ the irregular proceedings of sheriffs and
“ other officers in electing and returning such
“ members,” except such part thereof as re-
lates to the new election of an alderman or
burgess of a corporation, upon death, removal,
or resignation; and also an act passed in the
first year of the reign of George the second,
intituled, “ An act for the further regulating
“ the election of members of parliament, and
“ preventing the irregular proceedings of she-
“ riffs and other officers, in electing and re-
“ turning such members,” except so much
thereof as relates to the new election of an al-
derman or burgess of a corporation, upon death,
removal, or resignation; and also an act passed
in the nineteenth year of the reign of his
late majesty king George the second, in-
tituled, “ An act for better regulating elec-
“ tions of members to serve in parliament;”
and also so much of an act passed in the twenty-
first year of his said late majesty king George
the second, intituled, “ An act to amend and
“ make more effectual an act,” intituled, “ An
“ act for better regulating elections of mem-
“ bers to serve in parliament, and for the more
“ effectual quieting of corporations and se-
“ curing the right of persons who have been or
“ shall be elected into the offices of aldermen
“ and burgesses within any corporation of this
“ kingdom,” as relates to the election of mem-
bers to serve in parliament; and also an act
passed in the third year of the reign of his pre-
sent majesty, intituled, “ An act for the more
“ effectual preventing bribery and corruption
“ in the elections of members to serve in par-
“ liament, and the magistrates of cities, bo-*

“ *roughs, and towns corporate;*” and also an act passed in the fifteenth and sixteenth years of his present majesty, intituled, “ *An act for better regulating the election of members to serve in parliament;*” and also so much of an act passed in the twenty-first and twenty-second years of the reign of his present majesty, intituled, “ *An act for the more effectually preventing the multiplying of votes at elections of members to serve in parliament for boroughs, where a right of voting is vested in the protestant inhabitants in general, or protestant inhabitants and others,*” as relates to the election of members to serve in parliament, except such part or parts thereof as relate to the elections of chief magistrates, burgesses and freemen, which said part and parts are to continue and remain in force of law, as if this act had not been passed; and also an act passed in the twenty-first and twenty-second years of the reign of his present majesty, intituled, “ *An act to explain and amend an act passed this session of parliament,*” intituled, “ *An act for the more effectually preventing the multiplying of votes at elections of members to serve in parliament for boroughs where the right of voting is vested in the protestant inhabitants in general, or protestant inhabitants and others;*” and also an act passed in the twenty-third and twenty-fourth years of the reign of his present majesty, intituled, “ *An act to amend an act,*” intituled, “ *An act for preventing bribery and corruption in elections for members to serve in parliament;*” and also an act passed in the twenty-fifth year of the reign of his present majesty, intituled, “ *An act for the more effectually registering*

35 Geo. 3.
29. Iri
15 & 16 Geo.
c. 16.

And so much
of the 21 &
Geo. 3. c.

as relates
the electi
members
serve in p
ment, exc
such part
relates to
tion of ch
magistrat
&c.

21 & 22 G
c. 63

23 & 24 G
c. 13

25 Geo.
52.

- 35 Geo. 3. c. 29. Irish.
 26 Geo. 3. c. 28.
 26 Geo. 3. c. 23.
 28 Geo. 3. c. 33.
 29 Geo. 3. c. 29.
 and 30 Geo. 3. c. 17.
- “*of freeholders,*” and also an act passed in the twenty-sixth year of the reign of his present majesty, intituled, “*An act to suspend for a limited time the operation of an act passed last session of parliament,*” intituled, “*An act for the more effectually registering of freeholders, so far as the same shall affect the election of members to serve in parliament;*” and also an act passed in the twenty-sixth year of the reign of his present majesty, intituled, “*An act for amending the several laws relative to the registering of freeholders;*” and also an act passed in the twenty-eighth year of the reign of his present majesty, intituled, “*An act for the further amendment of the law relative to the registering of freeholders;*” and also an act passed in the twenty-ninth year of the reign of his present majesty, intituled, “*An act to continue the effect of an act,*” intituled, “*An act for the further amendment of the law relative to the registering of freeholders;*” and also an act passed in the thirtieth year of the reign of his present majesty, intituled, “*An act to continue the effect of an act,*” intituled, “*An act for the further amendment of the law relative to the registering of freeholders,*” shall be repealed to all intents and purposes whatsoever, except so far as relates to any person who may offer to vote at any election for a member or members to serve in parliament, the test of the writ for holding of which shall bear date before the first day of *January*, one thousand seven hundred and ninety-seven, or to the powers or conduct of the returning officer, or any deputy in respect to any such person or persons, and the oath or oaths to be administered to him.
- repealed, except so much as relates to persons offering to vote at elections for parliament, the test of the writs for which should bear date before 1st *January*, 1795, or to powers or conduct of returning officers or deputies.

§ 2. And be it further enacted, that every election to be made of a knight or knights of a shire to serve in parliament for any county in this kingdom, shall be holden at the place where the *assizes* for such county, and in the county of *Dublin* where the sessions of the peace for the said county were last held, previous to such election, on such day as the sheriff shall appoint, not sooner than ten nor later than twenty days after he shall have received the writ for holding the same; and that the sheriff shall then and there proceed to election, and shall not *adjourn to any other town or place, nor without the consent of all the candidates longer than from day to day*, unless a *Sunday* shall intervene, and then only from *Saturday* to the next *Monday*, and shall duly and orderly, and without delay; proceed in taking of the poll from day to day, *until all the freeholders who shall there present themselves shall have polled*; and every sheriff shall cause to be affixed on the door of the county court-house, public notice, signed by himself, of the day for holding the election, ten days at the least preceding such day.

35 Geo. 3. c.
29. Irish.

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Elections of knight of a shire where assizes were last held. In *Dublin*, where session of peace. Election to be on a day to be appointed by the sheriff, not sooner than ten nor later than twenty days after receipt of writ. No adjournment of place, nor longer than from day to day without consent of candidates. To proceed in the poll from day to day. Sheriff to give ten days notice of election, by affixing the same on county court-house.

§ 3. And be it further enacted, that the sheriff of every county shall, within four days after he shall receive the writ for the election of any members to serve in parliament, for any place or places within his county, issue his precept or precepts, and cause the same to be delivered to such acting magistrate or magistrates, officer or officers, of such place or places as made the last return of members to serve in parliament for the same, be he mayor, sovereign, portrieve, provost, burgo-master, bailiff, or seneschal, and to no other person; and such magistrate or officer shall hold the election there-

Sheriff within four days after receipt of writ to issue precept, which is to be delivered to magistrate or officer, &c. who made the last return,

who is, within twenty days, to hold the elec-



35 Geo. S. c.  
29. Irish.

tion, giving  
four days no-  
tice.

Sheriff to re-  
ceive return  
from such per-  
son only to  
whom precept  
directed.

Sheriffs of ci-  
ties and towns  
being counties,  
to hold the  
election within  
twenty days  
after receipt of  
writ, giving  
ten days no-  
tice.

Sheriff appre-  
hending a con-  
test, or upon  
requisition in  
writing by a  
candidate,  
three days pre-  
vious to day of  
election,  
to cause booths  
to be erected  
in a convenient  
place, &c.  
(though in a  
county of a  
town or city)  
or hire build-  
ings; these,  
together with  
the county  
court-house, to  
make so many  
polling places  
as there are ba-  
ronies or half  
baronies in the

upon within twenty days from the day of his receiving the precept, having, in the usual public place in such borough, caused to be affixed notice, under his hand, of the time and place of holding such election, four days at the least preceding the day of such election; and such sheriff shall accept the return of every such precept from such magistrate and officer only, to whom he shall have so directed such precept respectively.

§ 4. And be it further enacted, that the sheriff or sheriffs of a city or town, being a county in itself, shall hold the election for such city or town within twenty days from the day of receiving the writ, having in the usual place of such city or town caused to be affixed notice, under his or their hand, of the time or place of holding such election, ten days at the least preceding the day of the election.

§ 5. And be it further enacted, that in case the sheriff of any county shall have reason to apprehend a contest at any election to be held by him, or in case any candidate for such county shall, three days at the least previous to the day appointed for holding an election, by writing under his hand, require the sheriff, such sheriff shall cause to be erected on some convenient place in or near the session-house, or place where he shall hold such election, though such place should happen to be in the county of a town or city, so many booths, or hire so many buildings as, together with the county court-house, shall make up so many separate places for taking the poll as there are baronies or half-baronies in the county, and shall appropriate one of the said booths, buildings, or other places, to each barony,

or half-barony, the name whereof he shall cause to be affixed, in large legible characters, on some conspicuous part of the outside thereof, and he shall appoint a clerk for each, and also deputy for each, except for the one where he shall himself preside; and the expence of every such booth or building, and of repairing and keeping up the same during the poll, and the wages of every such deputy and clerk which shall not exceed the rate of one guinea a day for each, shall be paid jointly by all the candidates to the sheriff upon demand.

§ 6. And be it further enacted, that in all elections for any member or members to serve in parliament, not being elections for a knight or knights of the shire, the returning officer or officers shall, upon demand made to him or them by any candidate in writing, under his hand, three days at the least previous to the day of holding the election, cause to be erected in or near the place appointed for holding the election, as many booths, or hire as many buildings for taking the poll as such candidate shall so desire by writing under his hand, provided that the number of electors polled on the last or any former election shall have exceeded two hundred; and provided also, that the number of booths or buildings, together with the place appointed for holding the election, shall not exceed the rate of one place for every one hundred electors which were polled at the last or any former election; and the returning officer or officers shall appoint a clerk for each place, and a deputy for each, except where he or they shall preside; and the expences of erecting or hiring every such booth or building, and of repairing and keeping up the same during the

35 Geo. 3. c.  
29. Irish.

county, to which they are to be respectively appropriated, and the names to be affixed; also to appoint a clerk and deputy for each, except where he is; expence of booths, &c. and wages of deputy and clerk, not exceeding 1*l.* 1*s.* per day, to be paid by candidates.

Returning officer at other elections than for counties, on demand in writing by a candidate, three days previous to day of election, to cause as many booths to be erected, or to hire as many buildings as candidate shall desire; provided more than two hundred electors polled at the last or at some former election; number of polling places not to exceed one for every one hundred electors; &c. a clerk and deputy for each place to be appointed; expence of

35 Geo. 3. c.  
29. Irish.

booths, &c.  
and wages of  
deputy and  
clerk (not ex-  
ceeding 1*l.* 1*s.*  
per day) to be  
paid by candi-  
dates.

At elections  
for knights of  
shires, free-  
holders to be  
polled only in  
the place ap-  
propriated to  
the barony,  
&c. wherein  
their freeholds  
are situate;  
sheriff himself  
may take the  
poll in any of  
the booths,  
&c. or may  
change from  
one to another;  
returning offi-  
cer may re-  
move deputies  
or change them  
from booth to  
booth, &c.

Unless from  
unavoidable  
necessity, of  
which entry to  
be made, poll  
to be open  
seven hours a  
day, between  
eight in the  
morning and  
eight at night,  
from day to  
day until the  
poll be closed;

unless by con-  
sent, of which  
an entry to be  
made.

poll, and the wages of every such deputy and clerk, which shall not exceed one guinea a day for each, shall be paid jointly by all the candidates to the returning officer or officers upon demand.

§ 7. And be it further enacted, that on every election for a knight or knights of a shire, every freeholder shall be polled only in the booth, building, or place appropriated as afore-  
said to the barony or half-barony in which the freehold, by virtue of which he offers to vote, is either *wholly or in part* situated; and that every sheriff may himself take the poll in any of the booths, buildings, or other places appropriated as aforesaid, and from time to time, during the election, change from one to the other as he shall think fit; and that every returning officer or officers may, from time to time, during every election, remove any deputy, or appoint another in his room, and may change every deputy from one booth or building to another, as often as he shall think fit.

§ 8. And be it further enacted, that every returning officer, unless prevented by accident or unavoidable necessity, (an entry of the nature of which accident or necessity shall be made at large on the poll-book, and signed by him), shall cause the poll to be kept open in his own, and every deputy's court, on every day, for *seven hours* at the least, between eight in the morning and eight at night, Sunday and Christmas-day only excepted, from the commencement of the election until the poll shall be finally closed, unless the consent of all the candidates shall be given for his doing otherwise, every

*which consent shall be entered on his poll-book.*

35 Geo  
29. I

§ 9. And be it further enacted, that every returning officer shall, before he proceeds to take the poll, take and subscribe, in open court, the oath following, which every justice of the peace is hereby required and authorized to administer:

Returni  
officer to  
the follo

“ I, *A. B.* do swear, that I will honestly,  
“ impartially, and without favour to any candi-  
“ date, take the poll at this election, and that I  
“ have not, directly or indirectly, received, nor  
“ will I hereafter, directly or indirectly, receive  
“ any money, gift, reward, promise, contract,  
“ or security for money or other reward, for or  
“ in respect of the conduct which I shall ob-  
“ serve during the ensuing poll, or the return  
“ which I shall make at the close thereof, ex-  
“ cept the expences of erecting booths, hiring  
“ buildings, keeping them in repair, and the  
“ payment of clerks and deputies, and counsel  
“ for my assistance, and that I will return such  
“ person or persons as shall appear to the best  
“ of my judgment, at the close of the poll, to  
“ have the majority of legal votes.”

oath

And that every deputy appointed by virtue of this act shall, before he proceeds to take the poll, take and subscribe, in open court, the oath following, in presence of the returning officer or officers, who is and are hereby required and empowered to administer the same:

Deputy to  
the follow

“ I, *A. B.* do swear, that I will honestly,  
“ impartially, and without favour to any candi-  
“ date, take the poll at this election, and that

oath.

35 Geo. 3. c.  
39. Irish.

(See post § 52,  
as to declara-  
tions to be made  
by electors and  
entered on poll-  
books by sheriffs  
or deputies.)

“ I have not, directly or indirectly, received, nor  
“ will I hereafter directly receive, any money,  
“ gift, reward, promise, contract, or security  
“ for money, or other reward, for or in respect  
“ of the conduct I shall observe during the  
“ ensuing poll, and that I will make a fair and  
“ true return of all such persons as shall tender  
“ their votes before me, to be by me taken to  
“ the returning officer or officers by whom I  
“ am appointed, whenever and as often as I  
“ shall be thereunto required by him or them.”

Entry thereof  
upon the poll-  
book.

And a memorandum of every the said oaths  
being taken, shall be entered on the poll-book.

Deputy to  
close and give  
up his poll-  
book each day  
to officer, who  
shall sum up  
and read aloud  
the numbers,  
and enter them  
in open court;  
50l. penalty on  
deputy refus-  
ing to deliver  
up poll-book,  
or polling after  
directed to  
stop, and be-  
fore directed  
to begin;

and votes  
given during  
such interval  
not allowed.

§ 10. And be it further enacted, that every  
deputy shall, upon notice given to him by the  
returning officer, each day close his poll-book  
and deliver in the same immediately to such  
officer, who shall sum up thereupon the num-  
ber of votes polled on such day for each can-  
didate, to be read aloud and entered in his poll-  
book in open court; and if any deputy shall  
refuse to deliver his poll-book, when required  
by the returning officer, or shall continue to  
take the poll after he shall have been directed  
by him to stop, and before he shall be again  
directed by him to proceed, or after his depu-  
tation shall be revoked, he shall forfeit the sum  
of fifty pounds to any person who shall sue for  
the same, to be recovered as hereinafter di-  
rected; and every vote admitted by him after  
such refusal or direction to stop, or revocation,  
shall be void, and the person who offered such  
vote shall not be deemed to have voted, and is  
hereby declared not to have voted or to have  
been polled at such election.

§ 11. Provided always, and be it enacted, that every such removal and new appointment of a deputy, and such notice to a deputy to close the poll and deliver up his book, or to change from one booth or building to another, shall be made publicly, and proclaimed in the place where such deputy shall take the poll by the returning officer or officers, or some person to be for that purpose appointed by him or them.

35 Geo  
29. I

Removal  
pointme  
deputies  
tices to  
the poll,  
changes  
deputies  
publicly  
claimed.

§ 12. And be it further enacted, that if any person or persons shall violently, riotously, or outrageously disturb or interrupt any election, or the proceedings of the poll, such disturbance, riot, or misbehaviour, shall not be any excuse to the returning officer or officers, nor afford him or them any pretence for closing the poll, or making a return; but the court shall thereupon be adjourned for some convenient time, as the occasion may require, and, if necessary, shall be further continued by adjournment from time to time, until such disturbance shall have ceased, when such returning officer shall again proceed in taking the poll; and every person who shall be by due course of law convicted of having violently, riotously, or outrageously disturbed the court, or otherwise misbehaved, so as forcibly to interrupt the proceeding of the poll; or having wilfully effaced, obliterated, torn, altered, or destroyed the whole or any part of the poll-book of the returning officer or officers, or any deputy, whereon any thing relative to the said election shall have been entered; or of having forcibly or fraudulently taken or secreted the same, or any part thereof, or the writ or precept for holding such election, shall be adjudged guilty of

Rioting  
not be a  
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poll, or i  
ing the p  
book, &c

or forcib  
taking o  
cretin  
same, or  
writ or p  
cept, fel

35 Geo. 3. c.  
29. Irish.

punishable  
with transpor-  
tation, or im-  
prisonment,  
not exceeding  
seven years.

No more to be  
returned than  
required by  
the writ, &c.

officers to have  
a casting voice;

officer to for-  
feit 2000*l.* if  
he return more  
than the num-  
ber directed,  
and to be inca-  
pable of vot-  
ing.

No fee or re-  
ward to return-  
ing officer.

Contract to  
returning of-  
ficer for mak-  
ing a return,  
or for payment  
of gratuity for  
the same, void.

felony, and be transported for seven years to some part of his majesty's dominions out of *Europe*, or be imprisoned for any time not more than seven years, at the discretion of the judge or judges who shall try such person.

§ 13. And be it further enacted, that no returning officer or officers shall, upon any pre-  
tence whatsoever, return more than the number of persons he shall by his writ or precept be required to return, and that in case of an equality of voices for any two or more candidates upon the close of the poll, he shall be obliged to give a casting voice, whether otherwise legally qualified to vote or not, or whether he shall have voted or not, at such election; and if any returning officer or officers shall return more than the number of persons who shall by the writ or precept be directed to be returned, such returning officer or officers shall forfeit the sum of two thousand pounds to the person who shall first sue for the same, to be recovered as hereinafter directed, and such returning officer or officers shall be rendered incapable of ever after voting at any election for a member or members to serve in parliament.

§ 14. And be it further enacted, that no fee, gratuity, or reward whatsoever, shall be given, paid, received, or taken, by any sheriff or returning officer or officers of any county, city, town, or borough, for making out, or for the delivery, return, or execution of any writ or precept for the electing a member or members to serve in parliament; and that all contracts, promises, bonds, and securities, to be made or given to any sheriff, or other returning officer



or officers, for making a return of any member to serve in parliament, or to pay such sheriff or returning officer or officers any sum or sums of money, by way of gratuity or reward for making such return, or otherwise in respect thereof, shall be and are hereby declared to be null and void; and whosoever shall make, give, or accept of such contract, promise, bond, or other security, or any gift or reward to procure any false return, shall forfeit a sum equal to the value given or intended to be given or accepted in such contract, promise, or other security, gift, or reward, and also the further sum of two hundred pounds to any person who shall first sue for the same, to be recovered as is hereinafter directed.

35 Geo. 3. c.  
29. Irish.

persons giving  
or accepting  
such to forfeit  
the amount  
and 200l.

§ 15. And be it further enacted, that if any returning officer or officers, or any deputy who shall be appointed pursuant to this act, shall unnecessarily and wilfully protract the poll, or be guilty of any wilful and unnecessary delay in taking the same, every such returning officer or officers, and every such deputy so offending, shall forfeit the sum of five hundred pounds to any person who shall first sue for the same, to be recovered as hereinafter directed.

Officer or deputy causing  
unnecessary  
delay to forfeit  
500l.

§ 16. And be it further enacted, that in all elections at which any person shall vote as a freeholder, the returning officer or officers, and every deputy, shall enter in the poll-book the place of every such person's freehold, and the barony or baronies, or half-barony or half-baronies wherein such freehold lies, and also his place of abode, as he shall declare the same severally at the time of offering or giving his vote, and also shall enter, sworn or affirmed (as

Place of freehold, barony, &c. and abode, of freeholder, to be entered;

also sworn or affirmed, &c.



35 Geo. 3. c.  
29. Irish.

sheriffs to deliver poll-books within twenty days after election for knights of the shire, verified on oath to the clerk of the peace.

the case shall be) against the name of every elector to whom any of the oaths or affirmations by this act required or authorized shall be tendered, and by whom the same shall be taken, distinguishing the nature of the oath or affirmation; and that every sheriff presiding at any election for a knight or knights of the shire, shall, within twenty days next after any election for a knight or knights of the shire shall have been closed, faithfully deliver over unto the clerk of the peace of the county all the poll-books of such election, verifying upon oath that he delivers them without any embezzlement, obliteration, erasure, or alteration, to be carefully kept and preserved amongst the records of the county.

At general elections officers to make returns of precepts six days before return of writs;

sheriffs to make returns of writs to the clerk of the crown, on or before the day on which returnable.

§ 17. And be it further enacted, that in the case of a general election, every returning officer who shall hold an election by virtue of a precept, shall make due return of such precept six days at least before the return of the writ by virtue of which said precept shall have issued; and that all and every sheriff and sheriffs who shall receive any writ for the election of any member to serve in parliament, shall make due return of such writ to the clerk of the crown, on or before the day on which such writ shall be returnable.

Return of a writ during session or prorogation to be within forty days after test; if election held by precept, return to be made to sheriff within thirty days after the

§ 18. And be it further enacted, that in all cases where a writ shall be issued during a session or prorogation of parliament, the return be made thereof to the clerk of the crown within forty days after the test thereof, and if by virtue of such writ the election shall be held by precept, the return of such precept shall be made to the sheriff within thirty days after the

date thereof; and every sheriff and other returning officer making default therein, shall forfeit to any person who shall sue for the same the sum of one hundred pounds for each day such default shall be made, to be recovered in manner hereinafter mentioned.

35 Geo. 3. c.  
29. Irish.

date, on penalty of 100l. per day.

§ 19. And be it further enacted, that no person to be hereafter elected to serve in parliament for any county, city, town, or borough, shall, *after the test of the writ of summons* to parliament, or after the vacancy shall have happened to supply which the election shall be held, by himself, his friends, or agents, or any person or persons employed in his behalf, directly or indirectly, give, present, or allow to any person or persons having a vote or votes in such election, any money, meat, drink, entertainment, or provision, cockades, ribbands, or any other mark of distinction, or make any present, gift, reward, or entertainment, or shall at any time hereafter make any promise, agreement, obligation, or engagement, or give or allow any money, meat, drink, provision, present, entertainment or reward, to or for any such person or persons in particular, or to any such county, city, town, or borough, in general, or to or for the use, advantage, benefit, employment, profit, or preferment of any such person or persons, place or places, *in order to be elected, or for being elected to serve in parliament* for such county, city, town or borough; and that every person and persons so giving, presenting, or allowing, making, promising, or engaging, doing, acting, or proceeding, shall be, and is, and are hereby declared to be disabled and incapacitated to serve in parliament upon such election for such county, city, town, or borough.

No money, entertainments, presents, cockades, &c. or promises, &c. after test of the writ;

to voters in particular, or to place in general, in order to be elected, or for being elected;

persons so giving, promising, &c. the same, in order to be elected, &c. incapacitated to serve upon such election for such place.

35 Geo. 3. c.  
29. Irish.

Candidates for counties to have only one agent and one clerk for each barony or half-barony; candidates for cities, towns, &c. to have one agent or one clerk for every hundred voters; no more than five guineas for the first day, and two guineas for every other day for clerk or agent, on penalty of 1000*l*.

No pleading by counsel, &c before returning officer or deputy.

Returning officer may employ a barrister, and candidates may pay the expence.

§ 20. And be it further enacted, that no candidate for a county shall employ at, or for any election for said county, where a poll shall take place, more hired agents or hired clerks than after the rate of one agent and one clerk for each barony or half-barony in said county, and that no candidate for any city, town or borough, shall employ at, or for any election which shall be held there, where a poll take place, more hired agents or hired clerks than one agent or one clerk for every one hundred voters who polled at the last, or any previous election held there, and that no higher sum shall be paid to any such clerk or agent than five guineas for the first day, and two guineas for every further day which the poll shall continue; and if any candidate shall employ at, or for any election, more hired clerks or agents than is hereby allowed, or pay, or promise to pay, directly or indirectly, to any clerk or agent more than the wages herein specified, he shall for every such offence forfeit to any person who shall sue for the same the sum of one thousand pounds.

§ 21. And be it further enacted, that no barrister or counsel, or friend, or adviser of the court, although an elector, shall be permitted to plead before, or be heard as counsel by, any returning officer, or any deputy at any election, on the part of any candidate or elector, either for or against the right of any person to vote at such election or otherwise.

§ 22. Provided always, that it shall and may be lawful for any returning officer to employ a barrister or counsel to assist him in the execution of his duty, and that every candidate may

pay any sum he thinks proper towards defraying the expences thereof.

35 Geo. 3. c.  
29. Irish.

§ 23. And be it further enacted, that if any person who shall have, or claim to have, any right to vote in any election of a member or members of parliament, shall, directly or indirectly, ask, receive, or take any money or other reward by way of gift, *employment*, or other reward whatsoever, for himself or any of his family or kindred, to give his vote, or to abstain from giving his vote in any such election; and if any person by himself, his friends, or by any person employed by him, shall, by any gift or reward, or by any promise or agreement, or security for any gift or reward, corrupt or procure any person or persons to give his or their vote or votes in any such election, or to abstain from giving the same, such person shall, for every such offence, forfeit the sum of five hundred pounds sterling to the person who shall first sue for the same, to be recovered as hereinafter directed, and every person offending in any of the cases aforesaid, from and after judgment obtained against him, in any action or information grounded on this act, shall for ever be disabled to vote in any election of any member or members to serve in parliament, and also shall be for ever disabled to hold, exercise, or enjoy any office or franchise to which he or they then shall, or at any time afterwards may be entitled, as member of any city, borough, or town corporate, as if such person was naturally dead.

Persons who shall ask or receive any reward for themselves or others, or who influence others for reward, &c.

to forfeit 500l.

after judgment, such persons to be disfranchised.

§ 24. And be it further enacted, that from and after the passing this act, all estates, grants, and conveyances whatsoever, made to any person or persons in any fraudulent or collusive

Conveyances made fraudulently to qualify voters, shall be deemed absolute

35 Geo. 3. c.  
29. Irish.

against persons  
who grant  
them;

covenants for  
redemption,  
&c. to be void;

persons exe-  
cuting or pre-  
paring such  
conveyances,  
or voting under  
such, to forfeit  
100l.

manner, on purpose or with intent to qualify him or them to give his or their vote or votes at any election or elections of knights of the shire, or citizens for counties of cities, or burgesses for counties of towns, or any other boroughs, subject to conditions or agreements, to defeat or determine such estates, grants, and conveyances, shall be deemed and taken against the person or persons who granted such estate as free and absolute, and be holden and enjoyed by all and every person and persons to whom such conveyance or grant shall be made as aforesaid, freed and absolutely acquitted, exonerated, and discharged, of and from all manner of trusts, conditions, clauses of re-entry, powers of revocation, provisos of redemption, or other defeazances whatsoever, between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, collateral or other securities, contracts or agreements, between or with the said parties, or any other person or persons in trust for them, or any of them, for the redecming, revoking, or defeating such estate or estates, or for the restoring or re-conveying thereof, or any part thereof, to any person or persons in trust for them, or any of them, shall be null and void to all intents and purposes whatsoever; and that every person who shall make and execute such conveyance or conveyances as aforesaid, or being privy to such purpose, shall devise or prepare the same, and every person who by colour thereof shall give any vote at any election for any such member to serve in parliament, shall, for every such grant and conveyance so made, or vote so created or given, forfeit the sum of one hundred pounds sterling to any person who shall sue for

the same, to be recovered in manner herein after directed.

35 Geo. 3. c.  
29. Irish.

§ 25. And be it further enacted, that no person shall be admitted to vote at any election of a member or members to serve in parliament who is under the age of twenty-one years, nor by virtue of any freehold arising from a rent-charge, unless such rent-charge be of the full clear yearly value of twenty pounds at the least, nor unless he shall have been in possession thereof *for one whole year*, and shall have been entitled to receive *one whole year's rent and profit thereof*, before the test of the writ for holding such election, unless said freehold shall have come to him by descent, devise, marriage, or marriage-settlement, within the said year.

None to vote under twenty-one years old, nor by virtue of a rent-charge,

unless he shall have been in possession one year, and been entitled to one year's rent, except as herein.

§ 26. And be it enacted, that no person shall be admitted to vote at any election, by virtue of any freehold which shall be let or demised to the *person* or *persons* from whom he holds or derives the same, or to any person in trust for him or them, or to his or their heirs or assigns, if the yearly value thereof be under the sum of *twenty pounds*; and that no person shall be admitted to vote at any election, by virtue of a freehold which shall be let or demised to any person or persons for the same term for which he holds the same, if the value thereof be under the yearly sum of *twenty pounds*.

Persons not to vote whose freeholds are let or demised to persons from whom they hold, if under 20l.

nor if let to any other for the term he holds, if under 20l.

§ 27. And be it further enacted, that no person shall be admitted to vote at any election, by reason of any trust, estate, or mortgage, unless such trustee or mortgagee shall have been in the *actual possession or receipt* of the profits thereof, for his own use, twelve calendar months

No trustee or mortgagee to vote, unless in possession twelve months before test of writ;

35 Geo. 3. c.  
29. Irish.  
~~~~~  
mortgagor
may vote.

before the test of the writ for holding such election, and the mortgagor or *cestui que* trust in possession (or both, as the case may be), may vote out of such estate, notwithstanding such mortgage or trust.

None to vote
by virtue of
freehold in ex-
change, &c.
or in consider-
ation of in-
crease of rent,
out of lands
held by such
person from
grantor,
though consi-
deration not
expressed, &c.

§ 28. And be it further enacted, that no person shall be admitted to vote at any election, by virtue of any freehold granted *fraudulently* or in exchange for a freehold in any other county, or in consideration of any increase of rent out of any other lands in the same, or in any other county, held by such person from the grantor, though such consideration be not expressed in the deed of grant.

Freemen not
to vote, unless
admitted six
months before
election; un-
less by birth-
right, &c.

§ 29. And be it further enacted, that no person shall be admitted to vote as a freeman at any election of a member to serve in parliament, whose freedom shall not have come to him by service, birth-right, or marriage, unless he shall have been admitted to his freedom, or his freedom shall have been granted to him six calendar months at the least before the test of the writ for holding such election.

Freeholders
under 20l. to
occupy by re-
siding, or til-
ling or grazing
to amount of
40s. when re-
gistered;
(For further
provisions see
37 Geo. 3. c. 47.
Irish; and 45
Geo. 3. c. 49.)

and six months
before test of

§ 30. And be it further enacted, that no person shall be admitted to vote at any election of a member or members to serve in parliament, by virtue of a freehold under the yearly value of twenty pounds, unless such freehold shall have been in his actual occupation, either by his residing thereon, or tilling or grazing the same to the amount of forty shillings yearly value thereof at the time of his registering the same (pursuant to the provisions of this act hereafter mentioned), and also for *six successive calendar months* at the least, between the date of such

**35 Geo. 3. c.
49. Irish.**


**writ, unless by
devise, &c.**

**Freeholds to
be registered
within eight
years of test of
writ ;**

**oath to be
taken six
months before
test of writ,
unless freehold
is a rent-
charge.**

Oath

* Altered to twelve calendar months by the stat. 45 Geo. 3. c. 59. § 4.

35 Geo. 3. c.
29. Irish.

(For certain ex-
ceptions 37 Geo.
3. c. 47. § 13.
Irish.)

(See § 49.)

“ *between two parishes, and the town-land or*
“ *town-lands; and barony or half-barony, or*
“ *baronies or half-baronies wherein it is situ-*
“ *ated*], in this county, and that the said free-
“ hold does not arise from a rent-charge, and
“ that I am in the actual occupation thereof,
“ by residing thereon, or by tilling or grazing
“ to the amount at least of forty shillings yearly
“ value thereof [*as the case may be*], and that
“ the said freehold is not set or agreed to be
“ set, nor do I intend to set, the same to the
“ person or persons from whom I hold it, or to
“ the heirs or assigns of such person or persons,
“ or to any one in trust for him, her, or them,
“ and that I have not agreed to set it for the
“ term for which I hold it, nor have I procured
“ it fraudulently, nor has it been granted frau-
“ dulently, or in exchange for a freehold in any
“ other county.

“ So help me God.”

(For the oath in
case of 50l. or
20l. freeholds,
see 37 Geo. 3. c.
47. § 1, 2, 3.)

But if such freehold be of the yearly value of
twenty pounds, and the freeholder shall choose
to register it as being so, the words “ twenty
“ pounds” shall be substituted in the place of
the words “ forty shillings,” in the foregoing
oath, and the following words shall be omitted
therein, “ and that I am in the actual occupa-
“ tion thereof by residing thereon, or by tilling
“ or grazing to the amount of forty shillings
“ yearly value thereof.”

Oath altered
where freehold
comes by de-
scend, &c.
(See 37 Geo. 3.
c. 47. § 4.)

§ 32. Provided always, and be it enacted, that
if such freehold be under the yearly value of
twenty pounds, and shall have come to the per-
son offering to register it by descent, devise,
marriage, or marriage-settlement, and was de-
mised at the time it so came and continues to be

held under such demise, the words in the foregoing oath or affirmation, “and that I am in
“the actual occupation thereof, by residing
“thereon, or by tilling or grazing to the amount
“of forty shillings yearly value thereof,” may be omitted, and the following words inserted in their place, “and that the said freehold came to
“me by descent, devise, marriage, or marriage-
“settlement [*as the case may be*], and was de-
“mised at the time it so came to me, and
“still continues to be held under such de-
“mise.”

35 Geo. 3. c.
29. Irish.

§ 33. Provided also, and be it enacted, that in case any person who shall have registered a freehold under the provisions of this act, shall desire to register the same freehold at any subsequent time, all the words in the foregoing oath after the words “rent-charge” shall be omitted, and the following words inserted, “and that I registered the said freehold on the
“ day of , [naming
“the day, month, and year, when the affidavit
“of the registry was delivered to the acting
“clerk of the peace].”

Alteration in
oath where
freehold has
been register-
ed before
under this act.

§ 34. And be it further enacted, that no person shall be admitted to vote at any such election, by virtue of a freehold arising from a rent-charge, unless he shall have registered the same within eight years preceding the test of the writ for holding such election in manner following, that is to say, he shall in open court, at some sessions of the peace held twelve months at the least previous to the said test, in the county, town, or city, where his freehold arises, take and subscribe the following oath, or, if a quaker, the following affirmation :

None to vote
by virtue of a
rent-charge
unless regis-
tered with-
in eight
years before
test of writ;
(except in case
of 50*l.* freeholds,
by § 37.)
oath to be
taken twelve
months at least
before such
test.

hings" or "twenty pounds", in any of the courts of king's bench, common pleas, or exchequer, in the city of *Dublin*, or at any assizes, and the same shall be subscribed by one of the judges of such courts, or the judge of assize, such oath or affirmation so subscribed may be produced at any sessions of the peace as aforesaid, held in the county, town, or city, where such freehold lies, and when read aloud there in open court, shall be signed by two of the justices presiding there, and shall then be delivered by the court to the acting clerk of the peace, to be filed and kept amongst the records of such county, town, or city, and every such oath or affirmation so taken shall be of equal effect for registering such freehold within the meaning of this act, as if it had been made at the sessions of the peace as aforesaid.

35 Geo. 3. c.
29. Irish.

such may be
produced at
sessions, &c.
and shall be as
good as if
taken there.

§ 37. Provided also, that in all cases where the person intending to register his freehold shall desire to insert in the oath or affirmation, before he takes and subscribes the same, either at a sessions, or in any of the courts before mentioned in the city of *Dublin*, or at any assizes, the words "fifty pounds," in the place of "forty shillings," or "twenty pounds," the said words shall be inserted therein; and upon his freehold being registered in consequence of his taking such oath, or making such affirmation, such registry shall be deemed a sufficient registry to enable him to vote, although it shall not have been made within eight years previous to the test of the writ for holding the election at which he shall offer to vote:

50l. instead of
40s. &c. to be
inserted at
desire of free-
holder; and
upon such be-
ing registered
he may vote al-
though not
within eight
years.

§ 38. Provided always, that no person shall be precluded from voting by virtue of any free-

None preclud-
ed from voting
who have dis-

35 Geo. 3. c.
29. Irish.

posed of a
part of free-
hold, if they
retain as much
as sworn to.

hold on account of having sold, aliened, or disposed of any part of the freehold he shall have registered between the date of such registry and the day he shall offer his vote, if he shall have retained thereof to the annual value sworn in such registry.

None preclud-
ed voting by
virtue of a
rent-charge
accrued by
descent, &c.
within fifteen
months, or for
another free-
hold so ac-
crued within
nine months
because not
registered.

(See post, 37
Geo. 3. c. 47.
§ 4. by which
such rent-

charges and
other freeholds
are required to
be registered.)
Clergymen not
obliged to re-
gister ecclesi-
astical free-
holds.

§ 39. Provided also, that no person shall be precluded from voting by virtue of a freehold on account of its not being registered pursuant to the provisions of this act, if it consists of a rent-charge, and shall have come to him by descent, devise, marriage, or marriage-settlement, within fifteen months previous to the test of the writ for holding the election at which he shall offer to vote, or if it does not consist of a rent-charge, and shall have come to him in like manner within nine months previous to such test.

§ 40. Provided also, that no rector, vicar, or curate, shall be obliged to register his freehold arising from his rectory, vicarage, curacy, or other ecclesiastical preferment, or be precluded from voting at any election on account of his not having registered the same.

Clerks of
peace to give
certificates of
registry to
freeholders as
herein;

on penalty of
5l.

freeholders to
pay 3d.

Certificate of
equal authenti-
city with ori-
ginal oath, &c.
in case of the
loss of the lat-
ter.

§ 41. And be it further enacted, that every clerk of the peace shall give to every person immediately on the registry of his freehold, if he shall demand it, a certificate signed by himself, certifying such person having duly registered the same, and reciting his oath or affirmation exactly therein, under a penalty of five pounds for every neglect or refusal, for which certificate he shall be paid by such freeholder the sum of three pence, and every such certificate, when signed in open court by two justices, and countersigned by the acting clerk of the peace, shall

be, and is hereby declared to be, of equal authenticity with the original oath or affirmation, in case the same shall be lost or mislaid.

35 Geo. 3. c.
29. Irish.

§ 42. And be it further enacted, that the acting clerk of the peace shall, during every sessions, enter into a book in alphabetical order, according to the surnames of the persons registered, the substance of every such oath or affirmation delivered to him, in the form following:

Clerk to enter
freeholders in
a book,

in the form
herein.

And he shall in every county likewise enter the same, in like alphabetical order and form, into separate books, one for each barony or half-barony, according to the barony or half-barony in which such freehold shall be sworn or affirmed to lie, which books he shall attend with at every election for a knight or knights of the shire, and deliver in court to the sheriff, previous to the commencement of the poll, making oath at the same time before a justice of the peace, that all the entries in the said books are truly and exactly made according to the directions of this act.

35 Geo. 3. c.
29. (Irel.)

The like in every county, a book for each barony or half-barony, with which he shall attend at elections for knights of the shire, making oath of the truth of the entries.

§ 43. And be it further enacted, that every clerk of the peace shall, from time to time, within ten days after every sessions, deliver to the treasurer of the county a true copy of every entry of registry by him made at such sessions, which copy shall be kept by the said treasurer amongst the accounts of the said county, and that, at the request of any freeholder of the said county to the clerk of the peace or treasurer, the said clerk of the peace or treasurer shall, within ten days from such request, deliver to such person a true copy of the registry of all the freeholders which shall have been registered in such county at the time of such request being made, on receiving a sum at the rate of three pence for every hundred persons names contained in said copy.

Clerk to give copies of registries to treasurer, to be kept amongst the accounts of the county; copies to be given to freeholders requesting, at 3d. per one hundred names.

§ 44. And be it further enacted, that if any clerk of the peace shall omit or neglect to keep any of the books hereby required, or to make due entries therein, in the order and form required, or to file any oath and affirmation delivered to him to be filed, and to preserve the

Clerk of peace neglecting to do as herein, to forfeit 100l. and to be disqualified;

35 Geo. 3. c.
29. Irish.

for neglecting
to attend at
sessions, &c.
501.

What adjourn-
ment of quar-
ter-sessions
shall be deem-
ed a sessions
for the purpose
of registering
freeholders.

Oath to be
taken by rent-
chargers and
freeholders if
required, be-
fore they poll.

same free from erasure, blot, interlineation, or damage, or shall omit to give the copies hereby required within the time limited to the treasurer of the county, he shall, for every such offence, forfeit the sum of one hundred pounds, and be incapable of serving as clerk of the peace for any county, and if he shall neglect or refuse to attend at any sessions whereat freeholders may be registered by virtue of this act, or shall omit to give copies of the registry or any poll-book lodged with him within a reasonable time after demand, he shall forfeit for every such offence the sum of fifty pounds to any person suing for the same.

§ 45. And for the greater ease of registering freeholders, be it enacted, that the general or quarter-sessions may be adjourned from time to time, to be held either at any usual place of sessions, or at any market town within the county, and that every such sessions, and every such adjournment thereof, or adjournment of any adjournment, shall be deemed a sessions within the meaning of this act, for the purpose of registering freeholders, but that no special sessions held for any purpose of the militia, or for licensing persons to sell ale, beer, or spirituous liquors, shall be deemed a sessions within the meaning of this act, for the purpose of registering freeholders.

§ 46. And be it further enacted, that every person who shall offer to vote as a freeholder, shall, before he shall be admitted to poll at any election, declare whether his freehold arises from a rent-charge or not, and if it arises from a rent-charge, he shall, before he shall be admitted to poll, take the oath hereafter following, intitled,

“ The rent-charger’s oath,” if required so to do by any elector; and if his freehold does not arise from a rent-charge, he shall, if so required by any elector before he be admitted to poll, take one or other of the oaths hereafter following, intituled, “ The freeholder’s oath,” in every which oath the sum of forty shillings, or twenty pounds, or fifty pounds, shall be inserted, according as the same shall have been entered in the oath for the registry of the freehold.

35 Geo. S. a.
g9. Irish.

Freeholder's oath, where the freehold is registered under the yearly value of twenty pounds :

Oath of free- holders under 20%.

" I, of in the county
 " of [or] of the town or city-
 " of [as the case may be] do
 " swear, [or, if a quaker, affirm] [that I am a
 " freeholder of this county, and that I have a
 " freehold therein, arising from a house or
 " houses, land, or both, or other hereditaments,
 " [as the case may be] of the clear yearly value
 " of forty shillings at the least, above all
 " charges payable out of the same, lying and
 " being at [naming the
 " parish or parishes, the town-land or town-
 " lands, and barony or half-barony, or baronies
 " or half-baronies, as stated in his oath of regis-
 " try] in this county, and that the said freehold
 " does not arise from a rent-charge, and that I
 " have been in the actual occupation thereof
 " for six successive months at the least, be-
 " tween the day on which I registered the
 " same and the day of
 " [naming the day of the test of the writ for
 " holding the election] by residing thereon, or
 " tilling or grazing to the amount of forty shil-

**(See a new oath
45 Geo. 3. c. 59.
§ 1.)**

**35 Geo. 3. c.
29. Irish.**

When said words may be omitted.

**No public tax,
cess, &c. shall
be deemed a
charge, &c.**

Freeholder under 20l. if required, to declare under whom he holds his freehold, and if it be in a town corporate, the street in which it is situate, and who are his next resident neighbours.

35 Geo. 3. c.
29. Irish.

declarations to
be entered on
poll-book.

Person voting
by virtue of
freehold regis-
tered, and not
being in pos-
session at time
of polling, to
be imprisoned
six months.

Punishment
for assuming
registered free-
holder's name,
&c.

Resident inha-
bitants claim-
ing to vote as
inhabitants of
boroughs,
where right of
voting is in the
inhabitants,
or in the inha-
bitants and
others, to be
registered at
sessions.

town; and the said declarations, in all such cases, shall be entered in the poll-book taken by the sheriffs, or their deputies, at such election.

§ 53. And be it further enacted, that if any person shall poll at any election by virtue of a freehold which he had registered, and of which he shall not be in possession at the time of his polling, he shall (if thereof convicted) be imprisoned in the common gaol of the county for the space of six months.

§ 54. And be it further enacted, that if any person, not being a registered freeholder, shall take upon him the name of a freeholder entered upon the registry, or pretend to be the person so registered, and shall be convicted thereof, he shall be sentenced to stand in the pillory on three successive market-days, in the town where such election has been held, and be imprisoned in the common gaol of the county where he shall have been so convicted, for the space of six months.

§ 55. And be it further enacted, that every resident inhabitant claiming a right to vote as being an inhabitant of a borough, where the right of voting is in the inhabitants, or in the inhabitants and others, shall, at some quarter-sessions, or adjournment thereof, be registered in the following manner; that is to say, every such inhabitant shall, in open court, before the justices of the peace, at the quarter-sessions of the county wherein such borough lieth, or at some adjournment thereof, take the following oath, or, if a quaker, make the following affirmation:

“ I, *A. B.* do swear [*or, if a quaker, do af-*
 “ *firm*], that I am a resident inhabitant of
 “ and householder in the borough
 “ of in the county of ,
 “ and that my house is situated in ,
 “ [*here naming the street, lane, alley, row,*
 “ *or place*], and that my neighbours are
 “ and
 “ and that I have resided in said house for six
 “ calendar months last past, and that I am not
 “ an inmate or lodger with any other person in
 “ said borough, but am really and truly a resi-
 “ dent inhabitant of, and housekeeper in, the
 “ said borough, and am answerable for payment
 “ of the usual customary taxes and cesses in the
 “ said borough, as a resident householder there-
 “ in, which shall or may be legally demanded of
 “ me, and that my said house, exclusive of my
 “ land annexed to, or let with it, except the
 “ ground whercon my house (with its offices
 “ and back or other yard) stand, is, to the best
 “ of my knowledge and belief, worth the sum of
 “ five pounds yearly, and that I believe the
 “ same may be let for said sum of five pounds
 “ yearly, to a responsible tenant; and that I am,
 “ to the best of my knowledge and belief, of the
 “ age of twenty-one years and upwards.

“ So help me God.”

Which oath or affirmation shall be taken by every such inhabitant, in all cases in which he is or shall be required to register his residence.

§ 56. And be it further enacted, that when any inhabitant of such borough shall desire to have his residence registered, he shall swear or affirm the aforesaid affidavit or affirmation;

35 Geo. 2. c.
 29. Irish.
 Oath.

Forms to be
 observed by
 inhabitant of
 borough regis-
 tering his resi-
 dence.

35 Geo. 3. c.
29. Irish.



which, when duly sworn or affirmed, shall be read aloud in open court, and the person so registering shall sign the same, or affix his mark thereto, before two witnesses, who shall also sign the same; and if taken and signed as aforesaid, the court shall deliver it to the acting clerk of the peace, who shall immediately affix the paper containing the said affidavit or affirmation, in a book to be by him kept for that purpose, and for no other, in its order, that is to say, immediately after the affidavit or affirmation last mentioned, and then the court shall sign it, and date it according to the date of the month and year.

Names of inhabitants to be inserted alphabetically in clerk's book in manner herein;

§ 57. And be it further enacted, by the authority aforesaid, that although the affidavits be inserted in the said book in their order, as to the time in which they were made, the names of the persons making the same shall be alphabetically arranged, in an index at the end of the same book, and the page where the affidavit of the said inhabitant may be found, and that such inhabitants names shall be so entered immediately after the corresponding affidavit or affirmation shall have been entered as aforesaid in the registry-book, without the intervention of any other business whatsoever, for the inserting of which affidavit or affirmation, entry or registry, and indexing the same, the sum of sixpence, and no more, shall be paid by such inhabitant to the acting clerk of the peace at the time of such registering, if he shall demand the same, and no more.

6d. fee to clerk of peace.

Book to be kept among the records of the county.

§ 58. And be it further enacted, by the authority aforesaid, that the said book shall be kept by the clerk of the peace, amongst the records

of the county, and that each entry shall be deemed a record of the county, and that the said clerk of the peace be required to preserve the said book, without addition or alteration, from one court of quarter-sessions to another, neither writing in the same himself, nor permitting any other person to write therein; but that the same shall nevertheless be open to the inspection of any registered inhabitant of such borough, at any time between the hours of twelve and two o'clock in the day time, when such inhabitant shall require it, upon his giving twenty-four hours notice, except only on *Sundays*, and the greater feasts, he paying for the same one shilling and no more, for every time he shall inspect the same, and being debarred the use of both pen and ink during the whole of that time, and that if any person having or claiming to have a vote in the same borough, shall require of the clerk of the peace to furnish him with a copy of the said registry-book, or any part thereof, the said clerk of the peace shall write or cause to be written, a true copy of same, and within a reasonable time furnish the said voter therewith, charging him for the same, at the rate of two-pence for every four inhabitants so registered, contained in said copy, including the index; and that if any person having, or claiming to have, a vote in such borough, shall require from the clerk of peace a copy of the index, or any part thereof, the said clerk of the peace shall furnish him therewith, within eight days after, charging him for the same at the rate of one penny for every ten names of inhabitants contained in the said copy.

35 Geo. 3. c.
29. Irish.

not to be altered nor written in by clerk of the peace, or other person between sessions; book to be open to registered inhabitants at times herein, on twenty-four hours notice, on 1s. fee, pen and ink not allowed during inspection;

clerk of the peace, if required by voter, or person claiming to be, must furnish copy of registry-book on fee herein;

also copy of index on fee herein.

35 Geo. 3. c.
89. Irish.

Similar book
to be made out
for church-
wardens of
parish where
borough lies,
by clerk of
peace;

church-war-
dens to carry
book to ses-
sions;

✱

church-war-
dens not to
suffer registry-
book to be
altered or
written on be-
tween quarter
sessions, ex-
cept by clerk
of the peace.

Oath (against
bribery) to be
taken by
voters, on can-
didate or elec-
tor requiring
it.

§ 59. And be it further enacted, that the acting clerk of the peace, on the last day of every quarter-sessions, do and shall insert a true copy of such entry or registry, or entries or registries, as he shall have made during the course of the said quarter-sessions, together with an index to the same, in a book exactly similar to his own, to be kept by the church-wardens of the parish or parishes wherein the said borough lies, or by one of them, and by them, or one of them, to be carried to every such quarter-sessions, and there intrusted to the acting clerk of the peace for that purpose, on the last day of each quarter-sessions, and at no other time, and that the church-wardens shall preserve the said book without alteration from one quarter-sessions to another, not writing in it himself or themselves, nor permitting any other person to write therein, except the clerk of the peace as aforesaid.

§ 60. And be it further enacted, that if any candidate or elector shall desire it, every person offering to vote at any election, shall, before he be admitted to vote, take the oath following:

Oath.

“ I, *A. B.* do swear [*or, being one of the people*
“ *called quakers, I, A. B. do solemnly affirm*],
“ I have not received or had, myself, or any
“ person whatsoever in trust for me, or for my
“ use and benefit, or for the use and benefit of
“ any of my family or kindred, to my know-
“ ledge or belief, directly or indirectly, any sum
“ or sums of money, office, place, or employ-
“ ment, gift or reward, or any promise or se-

APPENDIX.—IRELAND.

“ curity, for any money, office, or employment,
“ in order to give my vote at this election.

“ So help me God.”

35 ~~Oct.~~ 3. 9.
29. Irish.

§ 61. And be it further enacted, for the greater convenience of persons by the said act required to register, that from and after the passing of this act, at every quarter-sessions to be held next after the first day of *August* in every year, and for any county wherein there is situated any borough, or part of any borough, where the right of voting is vested in the inhabitants in general, or in the inhabitants and others, that the justices holding such quarter-sessions are hereby required and directed to make an adjournment of the same on some convenient day within three weeks from the holding of such sessions, to such borough as aforesaid, for the purpose of there registering the names of the persons who shall desire to be registered, as claiming a right to vote in such boroughs, and that such adjournment shall be held accordingly, in some convenient place for the purpose aforesaid.

At quarter sessions next after 1st August in every year, for any county wherein any borough or part is situated, where right of voting is vested in inhabitants, or in inhabitants and others, justices to adjourn the same as herein, for the purpose of registering voters.

§ 62. And be it further enacted, that the sheriff of the county in which such borough shall be, shall, at all times, upon receiving a writ for the election of a member or members to serve in parliament for such borough, require of the clerk of the peace, that he do deliver to the church-wardens, or one of them, of the parish or parishes wherein said borough lies, his said book so by him kept as aforesaid; and that the said church-wardens, with the said book, and the duplicate thereof in their possession kept, shall attend on the returning officer in the said borough, in the court where the poll shall

Sheriff, on receiving writ for election at such borough, to require clerk of peace to deliver registry-book to church-wardens;

church-wardens with said book and duplicate to attend returning officer, unless as herein;

35 G. 3. c.
39. Irish.

registry-book
to be inspected
during elec-
tion.

Voter, in right
of being an in-
habitant only,
be register-
ed as above,
twelve calen-
dar months
before election,
(*in the test*
(*of 1838.*)
except here-
after, see § 64.
(See § 67, pro-
viding for the
case of books
having been
destroyed.)

be taken, throughout the whole of every elec-
tion of members to serve in parliament for
said borough, unless one of them shall by any
elector be required to attend in a deputy's court,
with his respective book of registry before men-
tioned, which requisition he is hereby required
to comply with, to be freely inspected in their
hands during the election, by any person con-
cerned therein.

§ 63. And be it further enacted, by the au-
thority aforesaid, that no person whatsoever
claiming to vote in right of being an inhabit-
ant only, shall vote for any member or members
to serve in parliament, where a right of voting is
vested in the inhabitants in general, or inhabit-
ants and others, who shall not appear to have
been first registered in said books, or one of
them, in the manner above prescribed, twelve
calendar months at least before the time of
holding such election, except in the case herein-
after particularly excepted, which being found
upon inspection of the returning officer, or his
deputy, the returning officer, or his deputy,
shall then, and not before, if thereto required
by any electors, administer to such person
the oath or affirmation following, that is to say,

Oath to be
taken by such
voter that he
has been resi-
dent for last
twelve months,
that he is regis-
tered, where his
house, and who
his neighbours,

“ I, *A. B.* do swear, [*or, if a quaker, do*
“ *affirm*] that I am a resident inhabitant in the
“ borough of in the county of
“ and that I have been so for
“ these twelve months last past, and duly proved
“ and registered my residence twelve calendar
“ months before the present vacancy, and that
“ my house is situate in and that
“ my next neighbours are
“ and that I am not an inmate or lodger with

“ any other person in said borough, nor have I
 “ been so at any time within these twelve
 “ months last past, but have paid the usual and
 “ customary taxes and cesses in said borough,
 “ as an householder, which have been legally
 “ demanded of me, and that I did not divide
 “ my house or out-houses, or suffer my house or
 “ out-houses to be divided, in order to multiply
 “ votes at this election, and that I did not come
 “ to reside in said borough since the present va-
 “ cancy happened, nor in order to give my vote
 “ at this election, and that my said house, ex-
 “ clusive of my land annexed to, or let with it,
 “ except that whereon it stands, with its of-
 “ fices, and back, or other yard, is, to the best
 “ of my knowledge and belief, worth the sum
 “ of five pounds yearly rent, and that I believe
 “ the same may be let for said sum of five pounds
 “ yearly to a responsible tenant.

“ So help me God.”

And if any candidate, or any person having a
 right to vote at such election, shall require it,
 these words shall be added to said oath, *vide-*
licet,

“ And that I am of the age of twenty-one years,
 “ as I verily believe.”

Which oath or affirmation, the seneschal, or
 returning officer of such borough, or his, or
 their deputy or deputies appointed as aforesaid,
 is, and are hereby empowered and directed to
 administer to such voter, at the request of any
 elector, and on such voter so taking the said
 oath, or, if a quaker, the said affirmation, then,
 and not before, such seneschal or returning
 officer shall admit such votes; and said oath

35 Geo. 3. c.
 29. Irish.

not a lodger,
 paid taxes, has
 not divided his
 house to mul-
 tiply votes, not
 come to resi-
 dence since the
 vacancy, nor in
 order to vote;

house, &c.
 worth 5l. per
 ann.

also, if requir-
 ed, that he is
 twenty-one ;

seneschal, or
 returning offi-
 cer, to adminis-
 ter said oath ;

35 Geo. 3. c.
29. Irish.

oath conclu-
sive evidence
of qualifica-
tion.

or affirmation, if a quaker, shall be absolutely final and conclusive evidence to said seneschal or returning officer of such borough, or his deputy, that the person so taking said oath, or making said affirmation, is qualified to vote at such election, and no such voter shall be liable to any further scrutiny or examination whatsoever before such seneschal or returning officer, or his deputy, at such election.

Where bo-
rough wherein
right of voting
is in inhabit-
ants in general,
or in inhabit-
ants and
others, is situ-
ated in two
different coun-
ties,

oath may be
altered as here-
in.

§ 64. Provided always, that in all and every such borough or boroughs in this kingdom, where the right of voting is vested in the inhabitants in general, or inhabitants and others, which are situated in two different counties, every inhabitant of such borough qualified to vote at elections for any member or members to serve in parliament for such borough, may, if he thinks proper, in the oath or affirmation required by the said act to be by him taken at the time of his being registered, and likewise in the oath or affirmation which he may be called upon to take pursuant to said act, at any election for a member or members to serve in parliament for such borough, instead of the words “ *resident inhabitant of the borough of* ” “ *in the county of* ” substitute the words, “ *resident inhabitant of* ” “ *that part of the borough of* ” “ *which lieth in the county of* ”

Inhabitant of
such borough
may recover
20l. from clerk
of peace for
every neglect
or disobedi-
ence of the act
as herein ;

§ 65. And be it enacted, by the authority aforesaid, that if any such inhabitant of such borough shall find that the acting clerk of the peace has wilfully or negligently acted in disobedience thereto, by not registering his residence in the manner hereby directed, having

been thereunto duly required, and by not giving to the church-wardens of said borough a copy of the registry-book, in the manner and at the time herein before mentioned, or by erasing, tearing out, or designedly making the same, or any part thereof, illegible; or designedly, or through neglect, suffering any person to do so, the said inhabitants shall be entitled to recover from the said acting clerk of the peace, by civil bill, the sum of twenty pounds for every such offence, process being served twelve days inclusive before the first day of the assizes.

Geo. 3. c.
29. Irish.

process to be
served twelve
days inclusive
before the first
day of assizes.

§ 66. And in order that the said inhabitant or inhabitants may the more easily recover the aforesaid sum or sums in the manner herein before mentioned, be it enacted by the authority aforesaid, that the said acting clerk of the peace, upon the receipt of sixpence as aforesaid, shall deliver to the inhabitants a certificate, signed by the court, and countersigned by himself, who are hereby required to sign the same, of his having been duly registered on that day, which certificate, although no part of the registry, shall, when proved, be sufficient evidence upon any civil bill brought for the penalty aforesaid.

Clerk of peace,
on payment of
6d. to deliver
certificate as
herein.

§ 67. And be it enacted, that if the registry-book to be kept by the clerk of the peace, and the copy thereof to be kept by the church-wardens, shall both be proved upon oath before the returning officer of said borough, who is hereby authorized to administer the same, to have been lost, destroyed, or withheld, or so defaced that the affidavits shall be illegible, either previous to or during the election, in such case any of the said certificates, when proved, shall be sufficient evidence upon the election, that the in-

Certificate,
when proved,
to be sufficient
evidence re-
gistry-books
lost or defac-
ed, &c.

35 Geo. 3. c. 29. Irish.

habitant producing the same has been duly registered.

Clerk of peace, church-wardens, or others stealing, destroying, or altering registry-book to be imprisoned three years:

§ 68. And be it enacted, by the authority aforesaid, that if any person, not excepting the clerk of the peace and the church-wardens, shall steal or destroy, or maliciously alter said registry-books, or either of them, whether in the body of the said books or their index, or negligently or wilfully suffer the same to be done, the person who shall be convicted of so offending, shall suffer three years imprisonment; and, lest any doubts should arise at the election with respect to voters, and in order the better to prevent perjury and occasional votes, be it hereby declared, by the authority aforesaid, to be the true intent and meaning of this act, that no person whatsoever shall be suffered to vote at any such election in right of being an inhabitant, without having been first registered as aforesaid, twelve calendar months at the least before the test of the writ for holding such election, but that the returning officer, or his deputy, is hereby required to refuse such vote, any thing in this or any other act of parliament to the contrary notwithstanding.

no inhabitant to vote except registered twelve calendar months before test of writ; returning officer to refuse such.

After elections church-wardens to deliver one registry-book to clerk of peace on being required;

§ 69. And whereas church-wardens of such parishes to whom such books shall be so delivered, may refuse to deliver over one of such books so delivered to them to the clerks of the peace, after the holding of elections, and may refuse to deliver over the other of said books to their successors in the office of church-wardens, after the expiration of the time of their holding said office: be it therefore enacted, by the authority aforesaid, that such person or persons in the office of church-warden, as shall

receive such registry-book from the clerk of the peace upon the holding of any election, shall return and deliver over the same to the said clerk of the peace, or his order, immediately upon being thereunto required; and that such person or persons in the office of church-warden, who shall have the other of said books in his or their possession at the time of the expiration of his said office, shall deliver over the same to the person or persons who shall succeed him in the office, immediately upon being thereunto required by such successor or successors, or within ten days after the expiration of his said office of church-warden, if not thereunto sooner required.

35 Geo. 3. c.
29. Irish.

and to deliver the other registry-book to successor within ten days after expiration of office.

§ 70. And be it further enacted, by the authority aforesaid, that if any person shall from and after the passing of this act, unlawfully detain or refuse to deliver up said books, or either of them, in manner and at the times herein directed, such person so offending shall forfeit the sum of ten pounds sterling, for every day he shall so unlawfully detain the same, to be recovered by civil bill before the judges of assize, in any county where such offence shall be committed, and shall also, upon conviction of such offence before the judges of assize, in any county where such offence shall be committed, suffer one month's imprisonment for every day he shall so unlawfully detain the same.

On refusal to deliver such books, penalty 10l. and one month's imprisonment for every day they are detained.

§ 71. And be it further enacted, by the authority aforesaid, that the church-wardens in such parishes as aforesaid, from and after the passing of this act, in case of any neglect or refusal to comply with the several matters and things required of them by the said first mentioned act,

100l. penalty on church-wardens refusing to comply with requisition of first mentioned act.

35 Geo. 3. c.
29. Irish.

shall forfeit for every such offence the sum of one hundred pounds sterling, to be recovered by any person who shall sue for the same in any of his majesty's courts of record.

Persons swearing, &c. falsely, contrary to this act, and being convicted, to suffer penalties of persons convicted of wilful and corrupt perjury;

§ 72. And be it further enacted, by the authority aforesaid, that all and every person and persons who shall falsely and wilfully swear or affirm, contrary to the true intent and meaning of this act, being thereof indicted and convicted, shall suffer such pains, penalties, and disabilities, as persons convicted of wilful and corrupt perjury ought by law to suffer, and that any person claiming to be a voter as an inhabitant of such borough, who shall be guilty of perjury in registering his inhabitancy and right of voting, or pretended right in such borough, without being really and *bonâ fide* a resident inhabitant thereof, according to the form of the oath aforesaid prescribed, and shall be thereof convicted and condemned, and suffer the pains and penalties aforesaid, shall for ever be incapable of giving any vote at any election of a member to serve in parliament.

and to be incapable of voting at any election.

Officers of corporations to admit candidate, &c. at times herein to inspect the books of admission of freemen;

§ 73. And be it further enacted, that any mayor, bailiff, town-clerk, or other officer of any corporation, having a right to return members to parliament, shall, upon the demand of any candidate for such corporation, on payment of two shillings and sixpence, permit such candidate, agent, or freeman, between the hours of twelve at noon and three in the afternoon, at any time before and within one month after any such election of members to serve in parliament, to inspect the books and papers wherein the admission of freemen shall be entered, and to have copies or minutes of the admission of so many

freemen as such candidate, agent, or freeman, shall think fit, upon payment to such mayor, or other officer, of two shillings and sixpence for every such admission, and such books and papers shall, if demanded by such candidate or his agent, or freeman, be produced by such mayor or other officer; and if such mayor or other officer shall refuse or deny such candidate, agent, or freeman, the inspection of such books and papers at any election, if demanded, and paid for, in the manner herein before set forth, such mayor or other officer shall, for every such offence, forfeit the sum of fifty pounds, to him, her, or them, who shall inform and sue for the same, to be recovered in manner hereinafter mentioned.

35 Geo. 3. c.
29. Irish.

and to take
copies, on pay-
ing 2s. 6d.;

mayor or offi-
cer refusing
inspection, if
demanded, and
paid for, to
forfeit 50l.

§ 74. And be it further enacted, that if any person, sheriff, or other returning officer, his or their deputy or deputies, who shall take any oath or affirmation in pursuance of this act, or shall wilfully swear or affirm falsely therein, he shall be guilty of wilful and corrupt perjury, or false affirming, and shall and may be prosecuted for the same, by indictment or otherwise, as perjury, in a court of record, may now be prosecuted, and being thereof convicted, he shall incur and suffer the pains and penalties which by law are, or may be inflicted, in cases of wilful and corrupt perjury.

Returning offi-
cer, or deputy,
&c. swearing
falsely, guilty
of perjury;

and liable, on
conviction, to
penalties of
perjury.

§ 75. And be it further enacted, that all pecuniary penalties inflicted by this act, shall be recovered with full costs, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at *Dublin*; and that it shall be sufficient for the plaintiff in any such action of debt or information, to set forth in

Pecuniary pe-
nalties to be
recovered with
full costs;

in such action
what sufficient
for plaintiff to
set forth;

36 Geo. 3. c. 29. Irish.

what sufficient
on an indict-
ment for any
offence;

plaintiff, &c.
not obliged to
prove the writ
of summons,
&c.

the declaration, that the defendant is indebted to him in the sum of five hundred pounds, and to alledge the particular offence for which such action or information is brought, and that the defendant hath therein acted contrary to this act, without mentioning the writ of summons to parliament, or the return thereof; and that it shall be sufficient, in any indictment for any offence contrary to this act, to alledge the particular offence, and that the defendant is guilty, without mentioning the writ of summons to parliament, or the return thereof; and that upon trial of any issue in any such action, information, or indictment, the plaintiff, informer, or prosecutor, shall not be obliged to prove the writ of summons to parliament, or the return thereof, or any warrant to the sheriff grounded upon such writ of summons.

In nonsuits,
&c. defendant
to have treble
costs.

§ 76. And be it further enacted, that in case the plaintiff or informer in any action or information given by this act, shall discontinue or be nonsuited, or judgment shall be given against him, the defendant shall recover treble costs.

Any person,
except return-
ing officer,
clerk of peace,
or treasurer,
offending
against this
act, and in-
forming within
twelve months
against any
other person,
guilty of like
offence, ex-
empted from
penalties.

§ 77. And be it further enacted, by the authority aforesaid, that if any person, except a returning officer, clerk of the peace, or treasurer, offending against this act, shall, within the space of twelve calendar months next after such offence committed, discover any other person or persons guilty of a like offence, so that such person or persons be thereupon convicted, such person so discovering shall be indemnified and exempted, and saved harmless from all penalties and disabilities which he shall have incurred by any such offence.

§ 78. Provided always, that every action, information, indictment, or prosecution, grounded upon this act, be commenced within one year after the offence shall be committed.

35 Geo. 3. c.
29 Irish.

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Action, &c.
to be commenced within
one year after
offence
When act to
take effect.

§ 79. Provided always, and be it enacted, that nothing in this act contained shall extend, or be construed to extend, to prevent any person from voting at any election for a member or members to serve in parliament, the test for holding which shall bear date before the first day of *January*, one thousand seven hundred and ninety-seven, but every person who might, by the laws in force before the passing of this act, vote at any such election, shall and may vote thereat, as fully and freely, to all intents and purposes, as if this act had not been made, subject to all and singular the clauses, conditions, oaths, and regulations, prescribed in the said laws; and every returning officer and deputy shall have the like powers with respect to any such person polling, as if this act had not been made.

§ 80. Provided always, that at every such election the words following shall be added to the oath required by the laws in force, to be taken before the passing of this act, by any registered freeholder not being an annuitant, before he shall be admitted to vote, either, “ that
“ the said freehold is of the yearly value of
“ twenty pounds, above all charges payable out
“ of the same,” or that, “ I have been in the
“ actual occupation of the said freehold for six
“ successive months at the least, between the
“ day on which I registered the same, and the
“ day of
“ *test of the writ for holding the election*] by

Addition to
oath by former
acts to be
taken by free-
holder, not be-
ing an annui-
tant, at elec-
tions before
act takes
effect.

35 Geo. 3. c.
29. Irish.



“residing thereon, or by tilling or grazing to
“the amount of forty shillings yearly value
“thereof,” or the words which are allowed to
be substituted in their place by the provisions
of this act, in the oath herein prescribed, as the
case may be, if any elector shall desire that one
or other of the said form of words shall be
added.

Persons under
twenty-one
years of age
no. eligible;

penalty on
such persons
sitting, &c.

§ 81. And be it further enacted, that no per-
son hereafter shall be capable of being elected
a member to serve in this, or any future parlia-
ment, who is not of the age of one and twenty
years; and if any such minor hereafter chosen,
shall presume to sit or vote in parliament, he
shall incur penalties and forfeitures as if he had
presumed to sit and vote in parliament, without
being chosen or returned.

The Irish Stat. 36 Geo. 3. c. 25. 1796.

An Act for the better and more convenient Administration of Justice, and for the Recovery of small Debts in a summary Way, at the Sessions of the Peace of the several Counties at large within this Kingdom, except the County of Dublin, and for continuing and amending an Act entitled, “An Act for the better Execution of the Law, and Preservation of the Peace within Counties at large.”*

(§ 2. Empowers the lord-lieutenant, or other chief governor or governors of this kingdom for the time being, from time to time to nominate and appoint a practising barrister at law, of six years standing at the least (with the restrictions therein), to act as a constant assistant to the justices at every sessions of the peace, except for the county of Dublin.)

Barristers to be appointed as assistants to justices at sessions.

§ 3. And be it enacted, that the assistant barristers so to be appointed, and such as have been already appointed, shall be severally and respectively paid out of the consolidated fund, such salaries as the lord-lieutenant, or other chief governor or governors of this kingdom for the time being shall by warrant direct, not exceeding such yearly sum, as with the fees payable to such assistant barristers, on civil bill decrees, renewals, and dismisses, as herein directed, as

* The act alluded to in the title is the 27 Geo. 3. c. 40. § 15. which was enacted for three years. The § 16 of that act was a disqualifying clause similar to that above.

36 Geo. 3. c.
25. Irish.

400l. a year
for each bar-
rister;

no members of
parliament to
be assistant
barristers.

will amount to the clear net sum of four hundred pounds a year to any of the said assistant barristers, provided that no member of the house of commons in the present or any future parliament, shall, during the time of his being a member of the house of commons, be capable of holding the said office of such assistant barrister.



The Irish Stat. 36 Geo. 3. c. 48. 1796.

(See stats. 19 &
20 Geo. 3. c. 29.
Irish. 23 & 24
Geo. 3. c. 38.
Irish. 42 Geo.
3. c. 61. U. K.
ante ccxi. and
post.)

*An Act to explain and amend an Act, entitled,
“ An Act for naturalizing such Foreign
“ Merchants, Traders, Artificers, Artizans,
“ Manufacturers, Workmen, Seamen, Farm-
“ ers, and others, who shall settle in this
“ Kingdom.”*

Persons natu-
ralized under
this act not to
be eligible to
parliament.

§ 3. PROVIDED always, that nothing herein contained, shall be construed to extend to qualify any such person to be a member of his majesty's most honorable privy council, or to sit or vote in either house of parliament, or to hold any office or place of trust under his majesty, his heirs or successors.

An Act for the further Regulation of the Election of Members to serve in Parliament.

**Recital of
35 Geo. 3.
c. 29.**

50% or 90% freeholder, but not a rent-charger, desiring to register, instead of oath in recited act, to take the following

Oath.

t

37 Geo. 3. c.
47. Irish.



50l. or 20l.
freeholds not
deemed unduly
registered on
account of the
omission of the
words herein.
(See further al-
teration in oath,
45 Geo. 3. c.
59. § 1. post.)

“able out of the same, lying and being at
“*[naming the parish or*
“*parishes, or the town-land or town-lands,*
“*and barony or half-baronies wherein it is*
“*situated; which words, ‘town-land or town-*
“*lands, barony or baronies of*
“*need not be named, if the freehold be in the*
“*county of a town or city]*, in this county, and
“that the said freehold does not arise from a
“rent-charge, nor have I procured it fraudu-
“lently, nor has it been granted fraudulently
“to me, or in exchange for a freehold in any
“other county,” any thing in the said act con-
tained to the contrary notwithstanding; and
that no freehold of fifty pounds, or twenty
pounds a year, registered since the passing of
the said act, shall be deemed to be unduly or
not properly registered; on account of the omis-
sion in the oath or affirmation taken or made,
in order to register the same, of all or any of
the following words; that is to say, “and
“that I am in the actual occupation thereof,
“by residing thereon, or by tilling or grazing
“to the amount at least of forty shillings yearly
“value thereof, and that the said freehold is
“not set, or agreed to be set, nor do I intend
“to set, the same to the person or persons
“from whom I hold it, or to the heirs or as-
“signs of such person or persons, or to any one
“in trust for him, her, or them, and that I
“have not agreed to set it for the term for
“which I hold it.”

50l. or 20l.
freeholders
who have set,
or agreed to
set, such free-
holds as herein,
shall not vote

§ 2. And be it enacted, that no person having
a freehold of the yearly value of fifty pounds,
or twenty pounds, who shall have set, or agreed
to set the same, to the person or persons from
whom he holds it, or to the heirs or assigns of

such person or persons, or to any one in trust for him, her, or them, or who has set, or agreed to set the same, the whole of the same, or more thereof than shall leave a sufficiency to constitute such freehold for the term for which he holds it, shall be permitted to vote at any election by virtue of the said freehold, unless he shall have registered the same according to the provisions of the said recited act, or this present act, one whole year at the least previous to the test of the writ for holding such election.

37 Geo. 3. c.
47. Irish.

unless they register under this or recited act, one year before election.

§ 3. And be it further enacted, that every person who shall offer to vote by virtue of a freehold, of the value of twenty pounds or fifty pounds, shall, before he shall be admitted to poll at any election, declare on oath, if required, whether he has so set, or agreed to set, such his freehold, and if he shall declare he hath so set, or agreed to set, the whole of the same, or more thereof than shall leave a sufficiency so unset for such term, to constitute such freehold, he shall also declare in like manner the time when such agreement was made, and such freeholder shall not be permitted to vote at such election by virtue of such freehold, unless it shall appear that such agreement was made and entered into one whole year at the least previous to the test of the writ for holding such election.

What shall be sworn by 20l. or 50l. freeholders before they poll, if required.


(See the oath required on registering, 45

Geo. 3. c. 59.

§ 1. to the effect of what is here required to be sworn to.)

§ 4. And be it further enacted, that no person shall be admitted to vote by virtue of a freehold which shall have come to him by descent, devise, marriage, or marriage-settlement, unless he shall have duly registered the same at some session of the peace, or adjournment thereof, held prior to the test of the writ in the

Freeholders by descent, devise, or marriage, shall register before test of writ, one year if a rent-charge, six months if not a rent-charge.

37 Geo. 3. c.
47. Irish.

(See ante, 35
Geo. 3. c. 29.
§ 39. 47.)

county, town, or city, where such election shall be held, in manner and form by the said recited act, or this present act required, if it consists of a rent-charge, one year previous to the test of the writ for holding the election at which he shall offer to vote, or six months previous to such test, if it does not consist of a rent-charge.

Words to be
inserted in a
freeholder's
oath under 20l.
at time of vot-
ing.

(See further al-
teration in oath,
45 Geo. 3. c.
59. § 4. post.)

§ 5. And be it further enacted, that in the oath to be taken at any election, by any freeholder who shall offer to vote by virtue of a freehold registered, under the yearly value of twenty pounds, the words, "by residing there-
"on," or the words, "by tilling or grazing, to
"the amount of forty shillings yearly value
"thereof," shall respectively be inserted, ac-
cording as they shall have been inserted in the
oath taken or affirmation made, for the regis-
tering thereof.

500l. penalty
on clerk of
peace for every
book of regis-
try which he
neglects to de-
liver to sheriff
on oath previ-
ous to the poll,
one moiety to
informer, the
other to such
use as grand
jury shall
direct.

§ 6. And be it further enacted, that if any clerk of the peace for any county, county of a city, or county of a town, shall omit or neglect to deliver in court to the sheriff, previous to the commencement of the poll, the books of registry which by the said act he is required to attend with and so deliver, or shall omit to make oath respecting the same, in manner required by the said act, such clerk of the peace shall forfeit for every book so omitted to be delivered, the sum of five hundred pounds, half of which shall be to the use of such person as shall sue for it, and the other half to such use as the grand jury thereof shall, at any subsequent assizes, direct.

§ 7. And be it enacted, that there shall be allowed to every acting clerk of the peace, for providing and preparing an affidavit and certificate of registry, if required so to do, the sum of one shilling, and no more; and that any clerk of the peace, attorney, or other person whatever, who shall demand, receive, or take on any pretence whatsoever, for providing and preparing any such affidavit and certificate, more than the above sum of one shilling, shall, for every such offence, forfeit the sum of twenty pounds to any person who shall sue for the same, to be sued for and recovered in like manner as any of the penalties in said recited act is suable for and recoverable.

37 Geo. 3. c.
47. Irish.

20l. penalty
for taking
more than 1s.
for providing
an affidavit
and certificate
of registry.

§ 8. And be it enacted, that if any person seised of a freehold, whether consisting of a rent-charge or not, shall be on actual service, either in the army or militia, out of the county, town, or city, where such freehold lies, and shall take and subscribe the oath or affirmation required by said recited act, or this present act, to be by him taken for registering such freehold at any sessions of the peace, or adjournment thereof, held in the county, town, or city, in which he shall be quartered or stationed, stating therein the regiment, battalion, troop, or company (as the case may be) to which he belongs, such affidavit shall be subscribed by two of the justices of the peace presiding thereat, and countersigned by the clerk of the peace for such county, town, or city, who shall certify, that the corps in which he serves is quartered or stationed therein, and such oath or affirmation, so subscribed and countersigned, may be produced at any session of the peace, or adjournment thereof, or at any adjournment of an adjournment, held in

Freeholders on
actual service
in army or mi-
litia, may re-
gister where
they are quar-
tered, in man-
ner herein
directed;

37 Geo. 3. c.
47. Irish.



affidavit to
be filed same
length of time
as by last or
present act re-
quired previ-
ous to test of
writ.

What shall be
deemed a
market-town.

All sessions
and adjourn-
ments deemed
valid, although
no sheriff at-
tended.

Registry not
to be impeach-
ed for irregu-
larity in sessions,

the county, town, or city, in which such freehold lies, and when read aloud there in open court, shall be signed by two of the justices of the peace presiding there, and shall be delivered to the acting clerk of the peace, to be filed and kept amongst the records of the county, and every such oath or affirmation so taken shall be of equal effect for registering such freehold, as if it had been made at the sessions of the peace for the county in which such freehold is situated, provided such affidavit shall have been so filed the same length of time previous to the test of the writ, as by the last act, or this present act, such freehold is required to be registered, in order to entitle such person to vote.

§ 9. And to prevent doubts about the validity of sessions for registering freeholds, be it declared, that any town for the holding of a market, in which his majesty's letters patent have been granted, or shall hereafter be granted, or wherein markets have been held by prescription, shall be deemed a market town, and is a market town within the meaning of the said recited act, whether markets are, or shall be held therein, or not.

§ 10. And be it enacted, that all sessions or adjournments thereof, or adjournments of adjournments, shall be deemed good and valid within the meaning of the said recited act, and this present act, although no sheriff or sub-sheriff shall have attended, or shall attend, at such sessions or such adjournments.

§ 11. And be it further enacted, that the registry of any freehold shall not be impeached on account of any irregularity in the holding or

adjourning of any sessions, from whence the sessions at which such freehold shall have been registered shall have been adjourned, either directly or by any adjournment of adjournments, provided such latter session shall have been duly and regularly held in all other respects.

37 Geo. 3. c.
47. Irish.

or adjournment, provided sessions or adjournment at which registry, regular.

§ 12. And be it further enacted, that in case a question respecting the right of any person claiming to vote, shall occur, which a deputy shall not think himself competent to determine, such deputy may send to the sheriff or sheriffs who shall preside at such election, stating his not thinking himself competent to determine such person's right of voting, in every which case such sheriff or sheriffs shall take such person's poll, and receive or reject his vote according as he shall be qualified or not to vote at such election, either in the booth, building, or other place appropriated to such deputy, as he or they shall judge most expedient, any thing in the said act to the contrary notwithstanding.

Where deputy cannot determine whether a person has a right to vote or not, he may send to the sheriff, who shall receive or reject such vote.

§ 13. And be it further enacted, that every returning officer and officers, and every deputy, shall have full power, and he and they are hereby authorized to administer all oaths and affirmations allowed or required by the said recited act, or this present act, to be administered at any election for a member or members to serve in parliament, but not to any person until it shall appear that he has duly registered his freehold, where such freehold is required to be registered, in order to entitle him to vote.

Returning officers and deputies may administer all oaths in act, or in recited act, to persons who have registered their freeholds where required.

§ 14. “ And whereas it is enacted by the said act, that in case of an equality of voices for any two or more candidates at any election, the

In case of equality of votes, where there are two sheriffs, the

37 Geo. 3. c.
47. Irish.

senior in ap-
pointment
shall have the
casting voice,
if present.

“returning officer shall be obliged to give a cast-
“ing voice;” be it enacted, that in counties of
towns or cities, where two sheriffs preside as
returning officers, the sheriff whose name stands
first in the appointment to the office, shall, if he
be present, give such casting voice.

Registry not
improper on
account of be-
ing unstamp-
ed, or not read
aloud in court.

§ 15. And be it enacted and declared, that no
person shall be deemed unduly or not properly
registered, on account of the affidavit for such
registry not being on stamped paper, or on ac-
count of such affidavit not having been read
aloud in open court.

Words to be
omitted where
a rent-charge
is not granted
by deed.

§ 16. And be it enacted, that in the oath re-
quired to be taken by a rent-charger, either for
the purpose of registering his freehold, or when
he shall offer to poll, the words, “granted by
“deed bearing date the day of
“in the year ,” may be omitted,
in case such rent-charge shall not have been
granted by deed, and the particulars of the title
of such person to such rent-charge, shall be in-
serted in the room thereof.

Recital of 35
Geo. 3. c. 29.
§ 31. directing
town-lands,
baronies, &c.
to be named:

§ 17. “And whereas in several counties of
“cities, and counties of towns in this kingdom,
“the denominations of towns, lands, or baronies,
“are not in use: and whereas by the act of the
“thirty-fifth of his present majesty, [chap.
“29th, sect. 31st] the town-land or town-lands,
“and barony or half-barony, or baronies or half-
“baronies, wherein the freehold is situated, are
“directed to be named in the oath for registering
“the same:” be it declared and enacted, that the
registry of any freehold situated in any county
of a city, or county of a town in which the de-
nominations of town-lands or baronies are not

registry of a
freehold in a
county of a
city, or of a
town where
denominations

in use, shall be to all intents good and effectual, although the affidavit of registry does not name any town-land or town-lands, barony or half-barony, or baronies or half-baronies, in which such freehold is situated; and that in the oath to be taken by such freeholder before the returning officer, or his deputy, at the time of election, it shall not be necessary either to name the town-land, or barony or half-barony, provided the freehold out of which such freeholder claims to vote shall be situated in any county of a city, or county of a town, in which the denomination of town-lands or baronies are not in use.

37 Geo. 3. c.
47. Irish.

of town-lands
or baronies
are not in use,
shall be effec-
tual, although
town-lands,
&c. are not
named.

§ 18. And be it further enacted, that, if any candidate or elector shall desire it, every person offering to vote at any election, shall, before he be admitted to vote, take the oath following:

Persons offer-
ing to vote, if
required by
candidate or
elector, to
swear that
they are
twenty-one
years of age.

“ I, *A. B.* do swear, [*or, if a quaker, do af-*
“ *firm,*] that I am, to the best of my belief, of
“ the age of twenty-one years.”

Which oath or affirmation every returning officer or officers, or his or their deputy or deputies, are hereby required and empowered to administer, either by itself, or in addition to any other oath or affirmation which may be tendered to such elector.

§ 19. And be it enacted and declared, that any papist, or person professing the Roman catholic religion, who shall have taken and subscribed, or who shall hereafter take and subscribe, at any time previous to the test of the writ for holding the election at which such per-

Papists who
have taken and
subscribed,
previous to
test of writ,
the oaths and
declarations in
13 & 14 Geo. 3.
c. 35. (*for*

37 Geo. 3. c.
47. Irish.

which see ante,
ccxxvi. n.)
and 33 Geo. 3.
c. 21. (for
which see ante,
ccxxii.) in the
courts herein,
to be deemed
to have taken
them within
act, so as to
entitle them
to vote.

Such persons
shall produce
certificates to
sheriffs.

Election of
persons under
twenty-one
years shall be
void, and new
writs issued.
(See also 35
Geo. 3. c. 29.
§ 81. ante,
ccxxxvi.)

son shall offer to poll, the oaths and declarations contained in an act passed in the thirteenth and fourteenth years of his present majesty's reign, intituled, "*An act to enable his majesty's subjects, of whatever persuasion, to testify their allegiance to him,*" and also an act passed in the thirty-third year of his present majesty's reign, intituled, "*An act for the relief of his majesty's popish or Roman catholic subjects of Ireland,*" in some one of his majesty's four courts in *Dublin*, or at the general sessions of the peace, or at any adjournment thereof, or at any adjournment of an adjournment thereof, to be holden for the county, city, or town, wherein such papist, or person professing the Roman catholic religion, doth inhabit and dwell, or before the going judge or judges of assize, in the county wherein such papist, or person professing the Roman catholic religion, doth inhabit and dwell, in open court, shall be deemed to have taken and subscribed such oaths and declarations within the meaning of said last recited act, and this present act, in order to entitle him to vote at such election: Provided always, that nothing herein contained shall extend to entitle such person to vote, unless he shall produce to the sheriff, or other returning officer, a certificate of his having taken and subscribed said oaths and declaration, as by said act, and this present act, required.

§ 20. And be it enacted, that every election or return of any person to serve in parliament, who shall be under the age of twenty-one years, shall be deemed null and void, and that if it shall be determined by any committee of the house of commons, who shall try any petition

presented against any such election or return, that such person was under the age of twenty-one years, on the day of such election, a new writ shall forthwith issue for the election of another person in his place.

37 Geo. 3. c.
47. Irish.



The Irish Stat. 38 Geo. 3. c. 61.

An Act for better enforcing the Execution of the Act made for the Trial of controverted Elections of Members to serve in Parliament, by disqualifying certain Persons who have endeavoured to obstruct the due Execution thereof, from voting at any Election hereafter.

“ WHEREAS *Gilbert Roycroft, of Deansfort,*
 “ *county of Roscommon, Richard Tyler, senior,*
 “ *Richard Tyler, junior, and Edward Jones, all*
 “ *of Roscommon, did, as far as lay in their*
 “ *power, endeavour to obstruct the beneficial*
 “ *effect of the laws for securing the freedom*
 “ *of elections, and the rights of electors of*
 “ *members to serve in parliament, by contuma-*
 “ *ciously withstanding every process to compel*
 “ *them to give evidence before the select com-*
 “ *mittee of the house of commons, appointed to*
 “ *try the merits of the late election for the*
 “ *county of Roscommon;*” be it therefore
 enacted, by the king’s most excellent majesty,
 by and with the advice and consent of the lords

Certain persons herein-
mentioned,

38 Geo. 3. c.
61. Irish.



for ever dis-
qualified from
voting at any
election;

500l. penalty
on returning
officer for ac-
cepting a vote
from any of
them, and vote
void.

spiritual and temporal, and commons, in this present parliament assembled, that the said *Gilbert Roycroft, Richard Tyler, senior, Richard Tyler, junior, and Edward Jones*, shall be for such their conduct, disqualified, and they are hereby disqualified for ever hereafter from voting at any election for any member or members to serve in parliament in this kingdom; and if any sheriff, or other returning officer or officers, shall accept at any such election the vote of any of the said persons, or permit his poll to be entered on the poll-book, such vote and entry shall be void, and such sheriff, or other returning officer or officers, shall forfeit the sum of five hundred pounds, to be recovered by action, bill, plaint, or information, in any of his majesty's courts of record in this kingdom, to the use of any person who shall sue for the same, in which no essoin or wager at law, nor more than one imparlance, shall be allowed(a).

(a) *The act of union passed 3. c. 80. passed in the Irish 2d July, 1800, but the union parliament during this inter- was not to take effect till the val. In order to preserve a 1st January, 1801. The acts chronological order they are 40 Geo. 3. c. 43. and 43 Geo. inserted after the act of union.*

The Stat. 39 & 40 Geo. 3, c. 67. U. K.

An Act for the Union of Great Britain and Ireland.

[2d July, 1800.]

“ WHEREAS, in pursuance of his majesty’s Preamble.
 “ most gracious recommendation to the two
 “ houses of parliament in *Great Britain* and
 “ *Ireland* respectively, to consider of such
 “ measures as might best tend to strengthen
 “ and consolidate the connection between the
 “ two kingdoms, the two houses of the parlia-
 “ ment of *Great Britain*, and the two houses
 “ of the parliament of *Ireland*, have severally
 “ agreed and resolved, that, in order to pro-
 “ mote and secure the essential interests of
 “ *Great Britain* and *Ireland*, and to conso-
 “ lidate the strength, power, and resources of
 “ the *British* empire, it will be advisable to
 “ concur in such measures as may best tend
 “ to unite the two kingdoms of *Great Bri-*
 “ *tain* and *Ireland* into one kingdom, in such
 “ manner, and on such terms and conditions,
 “ as may be established by the acts of the re-
 “ spective parliaments of *Great Britain* and
 “ *Ireland* :

“ And whereas, in furtherance of the said The parlia-
 “ resolution, both houses of the said two ments of Eng-
 “ parliaments respectively have likewise agreed land and Ire-
 “ upon certain articles for effectuating and land have
 “ establishing the said purposes, in the tenor agreed upon
 “ following : the articles
following :

39 & 40 Geo.
3. c. 67. U. K.



That the united kingdom be represented in one parliament.

ARTICLE THIRD.

That it be the third article of union, that the said united kingdom be represented in one and the same parliament, to be stiled *The parliament of the united kingdom of Great Britain and Ireland*.

ARTICLE FOURTH.

That the number of lords spiritual and temporal, and of commoners, herein specified, shall sit and vote on the part of *Ireland* in the parliament of the united kingdom.

That it be the fourth article of union, that four lords spiritual of *Ireland* by rotation of sessions, and twenty-eight lords temporal of *Ireland* elected for life by the peers of *Ireland*, shall be the number to sit and vote on the part of *Ireland* in the house of lords of the parliament of the united kingdom; and one hundred commoners (two for each county of *Ireland*, two for the city of *Dublin*, two for the city of *Cork*, one for the university of *Trinity College*, and one for each of the thirty-one most considerable cities, towns, and boroughs), be the number to sit and vote on the part of *Ireland* in the house of commons of the parliament of the united kingdom:

That such act as shall be passed in *Ireland* to regulate the mode of summoning and returning the lords and commoners to serve in the parliament of the united kingdom, shall be considered

That such act as shall be passed in the parliament of *Ireland* previous to the union, to regulate the mode by which the lords spiritual and temporal, and the commons, to serve in the parliament of the united kingdom on the part of *Ireland*, shall be summoned and returned to the said parliament, shall be considered as forming part of the treaty of union, and shall be incorporated in the acts of the

respective parliaments by which the said union shall be ratified and established :

39 & 49 Geo.
3. c. 67. U. K.

That all questions touching the rotation or election of lords spiritual or temporal of *Ireland* to sit in the parliament of the united kingdom, shall be decided by the house of lords thereof; and whenever, by reason of an equality of votes in the election of any such lords temporal, a complete election shall not be made according to the true intent of this article, the names of those peers for whom such equality of votes shall be so given, shall be written on pieces of paper of a similar form, and shall be put into a glass, by the clerk of the parliaments at the table of the house of lords whilst the house is sitting; and the peer or peers whose name or names shall be first drawn out by the clerk of the parliaments, shall be deemed the peer or peers elected as the case may be :

as part of the treaty of union.
That all questions touching the rotation or election of lords of *Ireland* to sit in the united parliament shall be decided by the house of lords thereof.

That any person holding any peerage of *Ireland* now subsisting, or hereafter to be created, shall not thereby be disqualified from being elected to serve if he shall so think fit, or from serving or continuing to serve, if he shall so think fit, for any county, city, or borough of *Great Britain*, in the house of commons of the united kingdom, unless he shall have been previously elected as above, to sit in the house of lords of the united kingdom; but that so long as such peer of *Ireland* shall so continue to be a member of the house of commons, he shall not be entitled to the privilege of peerage, nor be capable of being elected to serve as a peer on the part of *Ireland*, or of voting at any such election; and that he shall be liable to be sued, indicted, proceeded against, and tried

That any peer of *Ireland* may be elected to serve in the house of commons of the united kingdom, unless previously elected to sit in the house of lords, but shall not be entitled to the privilege of peerage, &c.

39 & 40 Geo.
3. c. 67. U. K.



as a commoner, for any offence with which he may be charged :

Questions touching the election of members to sit in the house of commons of the united kingdom on the part of *Ireland*, shall be decided as questions touching such elections in *Great Britain*;

That all questions touching the election of members to sit on the part of *Ireland* in the house of commons of the united kingdom, shall be heard and decided in the same manner as questions touching such elections in *Great Britain* now are, or any time hereafter shall by law be heard and decided; subject nevertheless to such particular regulations in respect of *Ireland* as, from local circumstances, the parliament of the united kingdom may from time to time deem expedient :

and their qualifications in respect of property shall be the same as in *England*.

That the qualifications in respect of property of the members elected on the part of *Ireland* to sit in the house of commons of the united kingdom, shall be respectively the same as are now provided by law in the cases of elections for counties and cities and boroughs respectively in that part of *Great Britain* called *England*, unless any other provision shall hereafter be made in that respect by act of parliament of the united kingdom :

When his majesty, shall declare his pleasure for holding a parliament of the united kingdom, a proclamation shall issue to cause the lords and commons, who are to serve on the part of *Ireland*, to be returned as shall be provided by

That when his majesty, his heirs or successors, shall declare his, her, or their pleasure for holding the first or any subsequent parliament of the united kingdom, a proclamation shall issue, under the great seal of the united kingdom, to cause the lords spiritual and temporal, and commons, who are to serve in the parliament thereof on the part of *Ireland*, to be returned in such manner as by any act of this present session of the parliament of *Ireland* shall be provided; and that the lords spiritual and temporal and

commons of *Great Britain* shall, together with the lords spiritual and temporal and commons so returned as aforesaid on the part of *Ireland*, constitute the two houses of the parliament of the united kingdom :

32 & 40 Geo.
3. c. 67.

any act of the
present session
in *Ireland*.

That if his majesty, on or before the first day of *January* one thousand eight hundred and one, on which day the union is to take place, shall declare, under the great seal of *Great Britain*, that it is expedient that the lords and commons of the present parliament of *Great Britain* should be the members of the respective houses of the first parliament of the united kingdom on the part of *Great Britain* ; then the said lords and commons of the present parliament of *Great Britain* shall accordingly be the members of the respective houses of the first parliament of the united kingdom on the part of *Great Britain* ; and they, together with the lords spiritual and temporal, and commons, so summoned and returned as above on the part of *Ireland*, shall be the lords spiritual and temporal, and commons of the first parliament of the united kingdom ; and such first parliament may (in that case) if not sooner dissolved, continue to sit so long as the present parliament of *Great Britain* may now by law continue to sit, if not sooner dissolved : provided always, that until an act shall have passed in the parliament of the united kingdom, providing in what cases persons holding offices or places of profit under the crown in *Ireland*, shall be incapable of being members of the house of commons of the parliament of the united kingdom, no greater number of members than twenty, holding such offices or places as aforesaid, shall be capable of sitting in the said house of commons of the parliament of the

If his majesty, on or before Jan. 1, 1801, shall declare it is expedient that the present parliament of *Great Britain* should be the members of the respective houses of the first parliament of the united kingdom on the part of *Great Britain*, they and the lords and commons returned on the part of *Ireland* may continue to sit so long as the present parliament of *Great Britain* may ; but until an act shall have passed in the united parliament, providing in what cases persons holding offices of profit under the crown in *Ireland*, shall be incapable of sitting in the house of commons of the united kingdom, no more than twenty shall sit therein ; and if more

39 & 40 Geo.
3. c. 57.

than that number be returned, the seats or places of such as shall have accepted such offices shall be vacated, so as to reduce them to twenty. The lords and commons of the united parliament shall take the oaths, &c. as enjoined to be taken by the lords and commons of the British parliament.

united kingdom; and if such a number of members shall be returned to serve in the said house as to make the whole number of members of the said house holding such offices or places as aforesaid more than twenty, then and in such case the seats or places of such members as shall have last accepted such offices or places shall be vacated, at the option of such members, so as to reduce the number of members holding such offices or places to the number of twenty; and no person holding any such office or place shall be capable of being elected or of sitting in the said house, while there are twenty persons holding such offices or places sitting in the said house; and that every one of the lords of parliament of the united kingdom, and every member of the house of commons of the united kingdom, in the first and all succeeding parliaments, shall, until the parliament of the united kingdom shall otherwise provide, take the oaths, and make and subscribe the declaration, and take and subscribe the oath now by law enjoined to be taken, made, and subscribed by the lords and commons of the parliament of *Great Britain*:

ARTICLE EIGHTH.

All laws in force at the union, and all courts of jurisdiction within the respective kingdoms, shall remain, subject to such alteration, as may appear proper to the united parliament. All appeals to

That it be the eighth article of union, that all laws in force at the time of the union, and all the courts of civil and ecclesiastical jurisdiction within the respective kingdoms, shall remain as now by law established within the same, subject only to such alterations and regulations from time to time as circumstances may appear to the parliament of the united kingdom to require; provided that all writs of error and appeals, depending at the time of the

union, or hereafter to be brought, and which might now be finally decided by the house of lords, of either kingdom, shall, from and after the union, be finally decided by the house of lords, of the united kingdom; and provided, that from and after the union, there shall remain in *Ireland* an instance court of admiralty, for the determination of causes, civil and maritime only, and that the appeal from sentences of the said court shall be to his majesty's delegates in his court of chancery in that part of the united kingdom called *Ireland*; and that all laws at present in force in either kingdom, which shall be contrary to any of the provisions which may be enacted by any act for carrying these articles into effect, be from and after the union repealed.

39 & 40 Geo. 3.
c. 67.

be finally decided by the peers of the united kingdom. There shall remain in *Ireland* a court of admiralty, and appeals therefrom shall be to the delegates in chancery there. All laws contrary to the provisions enacted for carrying these articles into effect to be repealed.

“ And whereas, the said articles having, by
“ address of the respective houses of parliament
“ in *Great Britain* and *Ireland*, been humbly
“ laid before his majesty, his majesty has been
“ graciously pleased to approve the same; and to
“ recommend it to his two houses of parliament
“ in *Great Britain* and *Ireland* to consider of
“ such measures as may be necessary for giving
“ effect to the said articles;” in order, therefore, to give full effect and validity to the same, be it enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said foregoing recited articles, each and every one of them, according to the true import and tenor thereof, be ratified, confirmed, and approved, and be, and they are hereby declared to be, the articles of the union of *Great Britain* and

His majesty having been pleased to approve of the foregoing articles, it is enacted, that they shall be the articles of union, and be in force for ever, from Jan. 1, 1801; provided that before that period an act shall have been passed in *Ire-*

39 & 40 Geo. 3.
c. 67.

land for carry-
ing them into
effect.

Ireland, and the same shall be in force and have effect for ever, from the first day of *January*, which shall be in the year of our lord one thousand eight hundred and one; provided that before that period an act shall have been passed by the parliament of *Ireland*, for carrying into effect, in the like manner, the said foregoing recited articles.

Recital of an act of the parliament of *Ireland*; to regulate the mode by which the lords and the commons, to serve in the parliament of the united kingdom on the part of *Ireland*, shall be summoned and returned.

§ 2. And whereas an act, intituled, *An act to regulate the mode by which the lords spiritual and temporal, and the commons, to serve in the parliament of the united kingdom on the part of Ireland, shall be summoned and returned to the said parliament*, has been passed by the parliament of *Ireland*; the tenor whereof is as follows: “An act to regulate the mode
“by which the lords spiritual and temporal,
“and the commons, to serve in the parliament
“of the united kingdom on the part of *Ireland*,
“shall be summoned and returned to the said
“parliament. Whereas it is agreed by the
“fourth article of union, that four lords spiri-
“tual of *Ireland*, by rotation of sessions, and
“twenty-eight lords temporal of *Ireland*, elect-
“ed for life by the peers of *Ireland*, shall be
“the number to sit and vote on the part of *Ire-*
“*land* in the house of lords of the parliament
“of the united kingdom; and one hundred
“commoners (two for each county of *Ireland*,
“two for the city of *Dublin*, two for the city
“of *Cork*, one for the college of the *Holy*
“*Trinity* of *Dublin*, and one for each of the
“thirty-one most considerable cities, towns,
“and boroughs) be the number to sit and vote
“on the part of *Ireland* in the house of com-
“mons of the parliament of the united king-
“dom; be it enacted, by the king’s most ex-

“cellent majesty, by and with the advice and
 “consent of the lords spiritual and temporal,
 “and commons, in this present parliament as-
 “sembled, and by authority of the same, that
 “the said four lords spiritual shall be taken
 “from among the lords spiritual of *Ireland* in
 “the manner following; that is to say, that one
 “of the four archbishops of *Ireland*, and three
 “of the eighteen bishops of *Ireland*, shall sit
 “in the house of lords of the united parliament
 “in each session thereof, the said right of sit-
 “ting being regulated as between the said
 “archbishops respectively by a rotation among
 “the archiepiscopal sees from session to ses-
 “sion, and in like manner that of the bishops
 “by a like rotation among the episcopal sees:
 “that the primate of all *Ireland* for the time
 “being shall sit in the first session of the par-
 “liament of the united kingdom, the arch-
 “bishop of *Dublin* for the time being in the
 “second, the archbishop of *Cashel* for the
 “time being in the third, the archbishop of
 “*Tuam* for the time being in the fourth, and
 “so by rotation of sessions for ever, such rota-
 “tion to proceed regularly and without inter-
 “ruption from session to session, notwithstand-
 “ing any dissolution or expiration of parlia-
 “ment: that three suffragan bishops shall in
 “like manner sit according to their rotation of
 “sees, from session to session, in the follow-
 “ing order; the lord bishop of *Meath*, the
 “lord bishop of *Kildare*, the lord bishop of
 “*Derry*, in the first session of the parliament
 “of the united kingdom; the lord bishop of
 “*Raphoe*, the lord bishop of *Limerick*, *Ard-
 “fert* and *Aghadoe*, the lord bishop of *Dro-
 “more*, in the second session of the parliament
 “of the united kingdom; the lord bishop of

 39 & 40 Geo.
 c. 67.


& 40 Geo. 5.
c. 67.



“ *Elphin*, the lord bishop of *Down* and *Con-*
 “ *nor*, the lord bishop of *Waterford* and
 “ *Lismore*, in the third session of the parlia-
 “ ment of the united kingdom; the lord bishop
 “ of *Leiglin* and *Ferns*, the lord bishop of
 “ *Cloyne*, the lord bishop of *Cork* and *Ross*,
 “ in the fourth session of the parliament of the
 “ united kingdom; the lord bishop of *Killaloe*
 “ and *Kilfenora*, the lord bishop of *Kilmore*,
 “ the lord bishop of *Clogher*, in the fifth ses-
 “ sion of the parliament of the united kingdom;
 “ the lord bishop of *Ossory*, the lord bishop of
 “ *Killala* and *Achonry*, the lord bishop of
 “ *Clonfert* and *Kilmacduagh*, in the sixth ses-
 “ sion of the parliament of the united kingdom;
 “ the said rotation to be nevertheless subject to
 “ such variation therefrom from time to time as
 “ is hereinafter provided; that the said twenty-
 “ eight lords temporal shall be chosen by all
 “ the temporal peers of *Ireland* in the manner
 “ hereinafter provided; that each of the said
 “ lords temporal so chosen shall be entitled to
 “ sit in the house of lords of the parliament of
 “ the united kingdom during his life: and in
 “ case of his death or forfeiture of any of the
 “ said lords temporal, the temporal peers of
 “ *Ireland* shall, in the manner hereinafter pro-
 “ vided, choose another peer out of their own
 “ number to supply the place so vacant. And
 “ be it enacted, that of the one hundred com-
 “ moners to sit on the part of *Ireland* in the
 “ united parliament, sixty-four shall be chosen
 “ for the counties, and thirty-six for the fol-
 “ lowing cities and boroughs, *videlicet*: for
 “ each county of *Ireland* two; for the city of
 “ *Dublin* two; for the city of *Cork* two; for the
 “ college of the *Holy Trinity* of *Dublin* one;
 “ for the city of *Waterford* one; for the city
 “ of *Limerick* one; for the borough of *Belfast*

3. of Irish
 ct.)
 sixty-four
 commoners for
 counties, and
 thirty-six for
 boroughs.

“ one; for the county and town of *Drogheda* 39 & 40 Geo. 3.
 “ one; for the county and town of *Carriok-* c. 67,
 “ *fergus* one; for the borough of *Newry* one;
 “ for the city of *Kilkenny* one; for the city of
 “ *Londonderry* one; for the town of *Galway*
 “ one; for the borough of *Clonmell* one; for
 “ the town of *Wexford* one; for the town of
 “ *Youghall* one; for the town of *Bandon*
 “ *Bridge* one; for the borough of *Armagh* one;
 “ for the borough of *Dundalk* one; for the
 “ town of *Kinsale* one; for the borough of
 “ *Lisburne* one; for the borough of *Sligo* one;
 “ for the borough of *Catherlough* one; for the
 “ borough of *Ennis* one; for the borough of
 “ *Dungarvan* one; for the borough of *Down-*
 “ *patrick* one; for the borough of *Coleraine* one;
 “ for the town of *Mallow* one; for the borough
 “ of *Athlone* one; for the town of *New Ross*
 “ one; for the borough of *Tralee* one; for the
 “ city of *Cashel* one; for the borough of
 “ *Dungannon* one; for the borough of *Por-*
 “ *tarlington* one; for the borough of *Ennis-*
 “ *killen* one. And be it enacted, that in case
 “ of the summoning of a new parliament, or if
 “ the seat of any of the said commoners shall
 “ become vacant by death or otherwise, then
 “ the said counties, cities, boroughs, or any of
 “ them, as the case may be, shall proceed to a
 “ new election; and that all the other towns,
 “ cities, corporations, or boroughs, other than
 “ the aforesaid, shall cease to elect represen-
 “ tatives to serve in parliament; and no meeting
 “ shall at any time hereafter be summoned,
 “ called, convened, or held, for the purpose of
 “ electing any person or persons to serve or
 “ act, or be considered, as representative or
 “ representatives of any other place, town, city,
 “ corporation, or borough, other than the afore-
 “ said, or as representative or representatives

(§ 4. of Irish
 act.)
 When vacan-
 cies happen in
 said counties,
 cities or bo-
 roughs, new
 elections shall
 be held, and all
 other towns,
 &c. shall cease
 to elect, unless
 hereafter
 otherwise pro-
 vided.


19 & 40 Geo. 3.
c. 67.

(§ 5 of Irish
act.)

“ of the freemen, freeholders, householders, or
 “ inhabitants thereof, either in the parliament
 “ of the united kingdom or elsewhere, (unless
 “ it shall hereafter be otherwise provided by
 “ the parliament of the united kingdom); and
 “ every person summoning, calling, or holding
 “ any such meeting or assembly, or taking any
 “ part in any such election or pretended elec-
 “ tion, shall, being thereof duly convicted,
 “ incur and suffer the pains and penalties or-
 “ dained and provided by the statute of pro-
 “ vision and *præmunire*, made in the sixteenth
 “ year of the reign of *Richard* the second.
 “ For the due election of the persons to be
 “ chosen to sit in the respective houses of the
 “ parliament of the united kingdom on the part
 “ of *Ireland*, be it enacted, that on the day
 “ following that on which the act for establish-
 “ ing the union shall have received the royal
 “ assent, the primate of all *Ireland*, the lord
 “ bishop of *Meath*, the lord bishop of *Kildare*,
 “ and the lord bishop of *Derry*, shall be and
 “ they are hereby declared to be the represen-
 “ tatives of the lords spiritual of *Ireland* in the
 “ parliament of the united kingdom, for the
 “ first session thereof; and that the temporal
 “ peers of *Ireland* shall assemble at twelve of
 “ the clock on the same day as aforesaid, in the
 “ now accustomed place of meeting of the
 “ house of lords of *Ireland*, and shall then and
 “ there proceed to elect twenty-eight lords
 “ temporal to represent the peerage of *Ireland*
 “ in the parliament of the united kingdom, in
 “ the following manner; that is to say, the
 “ names of the peers shall be called over ac-
 “ cording to their rank, by the clerk of the
 “ crown, or his deputy, who shall then and
 “ there attend for that purpose; and each of
 “ the said peers, who, previous to the said day,

“ and in the present parliament, shall have ac- 39 & 40 Geo. 3.
“ tually taken his seat in the house of lords of c. 67.
“ *Ireland*, and who shall there have taken the
“ oaths, and signed the declaration, which are
“ or shall be by law required to be taken and
“ signed by the lords of the parliament of *Ire-*
“ *land* before they can sit and vote in the par-
“ liament hereof, shall, when his name is
“ called, deliver, either by himself or by his
“ proxy (the name of such proxy having been
“ previously entered in the books of the house
“ of lords of *Ireland*, according to the present
“ forms and usages thereof) to the clerk of the
“ crown, or his deputy (who shall then and
“ there attend for that purpose), a list of
“ twenty-eight of the temporal peers of *Ire-*
“ *land*; and the clerk of the crown, or his
“ deputy, shall then and there publicly read the
“ said lists, and shall then and there cast up
“ the said lists, and publicly declare the names
“ of the twenty-eight lords who shall be chosen
“ by the majority of votes in the said lists, and
“ shall make a return of the said names to the
“ house of lords of the first parliament of the
“ united kingdom; and the twenty-eight lords
“ so chosen by the majority of votes in the
“ said lists shall, during their respective lives,
“ sit as representatives of the peers of *Ireland*
“ in the house of lords of the united kingdom,
“ and be entitled to receive writs of summons
“ to that and every succeeding parliament; and
“ in case a complete election shall not be made
“ of the whole number of twenty-eight peers,
“ by reason of an equality of votes, the clerk
“ of the crown shall return such number in
“ favour of whom a complete election shall
“ have been made in one list, and in a second
“ list shall return the names of those peers

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“ who shall have an equality of votes, but in
“ favour of whom, by reason of such equality,
“ a complete election shall not have been made,
“ and the names of the peers in the second list,
“ for whom an equal number of votes shall
“ have been so given, shall be written on pieces
“ of paper of a similar form, and shall be put
“ into a glass by the clerk of the parliament
“ of the united kingdom, at the table of the
“ house of lords thereof, whilst the house is
“ sitting, and the peer whose name shall be
“ first drawn out by the clerk of the parlia-
“ ment, shall be deemed the peer elected; and
“ so successively as often as the case may re-
“ quire; and whenever the seat of any of the
“ twenty-eight lords temporal so elected shall
“ be vacated by decease or forfeiture, the chan-
“ cellor, the keeper, or commissioners of the
“ great seal of the united kingdom for the time
“ being, upon receiving a certificate under the
“ hand and seal of any two lords temporal of
“ the parliament of the united kingdom, cer-
“ tifying the decease of such peer, or on view
“ of the record of attainder of such peer, shall
“ direct a writ to be issued under the great seal
“ of the united kingdom, to the chancellor, the
“ keeper, or commissioners of the great seal of
“ *Ireland* for the time being, directing him or
“ them to cause writs to be issued, by the clerk
“ of the crown in *Ireland*, to every temporal
“ peer of *Ireland*, who shall have sat and voted
“ in the house of lords of *Ireland* before the
“ union, or whose right to sit and vote therein,
“ or to vote at such elections, shall, on claim
“ made on his behalf, have been admitted by
“ the house of lords of *Ireland* before the union,
“ or after the union by the house of lords of the
“ united kingdom; and notice shall forthwith

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c. 67.

“ be published by the said clerk of the crown,
“ in the *London* and *Dublin* gazettes, of the
“ issuing of such writs, and of the names and
“ titles of all the peers to whom the same are
“ directed; and to the said writs there shall be
“ annexed a form of return thereof, in which a
“ blank shall be left for the name of the peer to
“ be elected, and the said writs shall enjoin
“ each peer within fifty-two days from the
“ teste of the writ, to return the same into the
“ crown office of *Ireland* with the blank filled
“ up; by inserting the name of the peer for
“ whom he shall vote, as the peer to succeed to
“ the vacancy made by demise or forfeiture as
“ aforesaid; and the said writs and returns shall
“ be bipartite, so as that the name of the peer
“ to be chosen shall be written twice, that is,
“ once on each part of such writ and return,
“ and so as that each part may also be sub-
“ scribed by the peer to whom the same shall
“ be directed, and likewise be sealed with his
“ seal of arms; and one part of the said writs
“ and returns so filled up, subscribed and sealed
“ as above, shall remain of record in the crown
“ office of *Ireland*, and the other part shall be
“ certified by the clerk of the crown to the
“ clerk of the parliament of the united king-
“ dom; and no peer of *Ireland*, except such as
“ shall have been elected as representative peers
“ on the part of *Ireland* in the house of lords
“ of the united kingdom, and shall there have
“ taken the oaths, and signed the declaration
“ prescribed by law, shall, under pain of suf-
“ fering such punishment as the house of lords
“ of the united kingdom may award and ad-
“ judge, make a return to such writ, unless
“ he shall, after the issuing thereof, and before
“ the day on which the writ is returnable, have


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“ taken the oaths and signed the declaration
“ which are or shall be by law required to be
“ taken and signed by the lords of the united
“ kingdom, before they can sit and vote in the
“ parliament thereof; which oaths and declara-
“ tion shall be either taken and subscribed in
“ the court of chancery of *Ireland*, or before
“ one of his majesty’s justices of the peace of
“ that part of the united kingdom called *Ire-*
“ *land*, a certificate whereof, signed by such
“ justices of the peace, or by the register of the
“ said court of chancery, shall be transmitted
“ by such peer with the return, and shall be
“ annexed to that part thereof remaining of
“ record in the crown office of *Ireland*; and
“ the clerk of the crown shall forthwith, after
“ the return-day of the writs, cause to be pub-
“ lished in the *London* and *Dublin* gazettes, a
“ notice of the name of the person chosen by
“ the majority of votes; and the peer so chosen
“ shall, during his life, be one of the peers to
“ sit and vote on the part of *Ireland* in the
“ house of lords of the united kingdom; and in
“ case the votes shall be equal, the names of
“ such persons who have an equal number of
“ votes in their favour, shall be written on
“ pieces of paper of a similar form, and shall
“ be put into a glass by the clerk of the par-
“ liament of the united kingdom, at the table
“ of the house of lords, whilst the house is
“ sitting, and the peer whose name shall be first
“ drawn out by the clerk of the parliament
“ shall be deemed the peer elected. And be it
“ enacted, that in case any lord spiritual, being
“ a temporal peer of the united kingdom, or
“ being a temporal peer of that part of the
“ united kingdom called *Ireland*, shall be
“ chosen by the lords temporal to be one of the

“ representatives of the lords temporal, in every 39 & 40 Geo. 3.
“ such case, during the life of such spiritual c. 67.
“ peer being a temporal peer of the united
“ kingdom, or being a temporal peer of that
“ part of the united kingdom called *Ireland*, so
“ chosen to represent the lords temporal, the
“ rotation of representation of the spiritual
“ lords shall proceed to the next spiritual lord,
“ without regard to such spiritual lord so chosen
“ a temporal peer, that is to say, if such spiri-
“ tual lord shall be an archbishop, then the
“ rotation shall proceed to the archbishop
“ whose see is next in rotation, and if such
“ spiritual lord shall be a suffragan bishop; then
“ the rotation shall proceed to the suffragan
“ bishop whose see is next in rotation. And
“ whereas by the said fourth article of union it
“ is agreed, that, if his majesty shall, on or
“ before the first day of *January* next, declare,
“ under the great seal of *Great Britain*, that
“ it is expedient that the lords and commons
“ of the present parliament of *Great Britain*
“ should be the members of the respective
“ houses of the first parliament of the united
“ kingdom on the part of *Great Britain*; then
“ the lords and commons of the present par-
“ liament of *Great Britain* shall accordingly
“ be the members of the respective houses of
“ the first parliament of the united kingdom on
“ the part of *Great Britain*; be it enacted, for
“ and in that case only, that the present mem-
“ bers of the thirty-two counties of *Ireland*,
“ and the two members for the city of *Dublin*,
“ and the two members for the city of *Cork*,
“ shall be, and they are hereby declared to be,
“ by virtue of this act, members for the said
“ counties and cities in the first parliament of
“ the united kingdom; and that on a day and

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“ hour to be appointed by his majesty under the
 “ great seal of *Ireland*, previous to the said first
 “ day of *January* one thousand eight hundred
 “ and one, the members then serving for the
 “ college of the *Holy Trinity* of *Dublin*, and for
 “ each of the following cities or boroughs, that
 “ is to say, the city of *Waterford*, city of
 “ *Limerick*, borough of *Belfast*, county and
 “ town of *Drogheda*, county and town of
 “ *Carrickfergus*, borough of *Newry*, city of
 “ *Kilkenny*, city of *Londonderry*, town of
 “ *Galway*, borough of *Clonmell*, town of *Wex-*
 “ *ford*, town of *Youghall*, town of *Bandon*
 “ *Bridge*, borough of *Armagh*, borough of
 “ *Dundalk*, town of *Kinsale*, borough of *Lis-*
 “ *burne*, borough of *Sligo*, borough of *Cather-*
 “ *lough*, borough of *Ennis*, borough of *Dun-*
 “ *garvan*, borough of *Downpatrick*, borough
 “ of *Coleraine*, town of *Mallow*, borough of
 “ *Athlone*, town of *New Ross*, borough of
 “ *Tralee*, city of *Cashel*, borough of *Dungan-*
 “ *non*, borough of *Portarlinton*, and borough
 “ of *Enniskillen*, or any five or more of them,
 “ shall meet in the now usual place of meeting
 “ of the house of commons of *Ireland*, and the
 “ names of the members then serving for the
 “ said places and boroughs, shall be written on
 “ separate pieces of paper, and the said papers
 “ being folded up, shall be placed in a glass or
 “ glasses, and shall successively be drawn
 “ thereout by the clerk of the crown, or his
 “ deputy, who shall then and there attend for
 “ that purpose; and the first drawn name of a
 “ member of each of the aforesaid places or
 “ boroughs shall be taken as the name of the
 “ member to serve for the said place or borough
 “ in the first parliament of the united kingdom;
 “ and a return of the said names shall be made

“ by the clerk of the crown, or his deputy, to
“ the house of commons of the first parliament
“ of the united kingdom, and a certificate there-
“ of shall be given respectively by the said
“ clerk of the crown, or his deputy, to each of
“ the members whose names shall have been so
“ drawn: provided always, that it may be al-
“ lowed to any member of any of the said places
“ or boroughs, by personal application, to be
“ then and there made by him to the clerk of
“ the crown, or his deputy, or by declaration
“ in writing under his hand, to be transmitted
“ by him to the clerk of the crown previous to
“ the said day so appointed as above, to with-
“ draw his name previous to the drawing of the
“ names by lot; in which case, or in that of a
“ vacancy by death or otherwise of one of the
“ members of any of the said places or boroughs,
“ at the time of so drawing the names, the
“ name of the other member shall be returned as
“ aforesaid, as the name of the member to serve
“ for such place in the first parliament of the
“ united kingdom; or if both members for any
“ such place or borough shall so withdraw
“ their names, or if there shall be a vacancy of
“ both members at the time aforesaid, the clerk
“ of the crown shall certify the same to the
“ house of commons of the first parliament of
“ the united kingdom, and shall also express,
“ in such return, whether any writ shall then
“ have issued for the election of a member or
“ members to supply such vacancy; and if a
“ writ shall so have issued for the election of
“ one member only, such writ shall be super-
“ seded, and any election to be thereafter made
“ thereupon shall be null and of no effect; and
“ if such writ shall have issued for the election
“ of two members, the said two members shall

39 & 40 Geo. 3.
c. 67.

39 & 40 Geo. 3.
c. 67.

On proclamation under the great seal of U. K. for summoning a new parliament. Chancellor, &c. of Ireland to cause writs to be issued for election of members for Ireland.

On vacancy, the Chancellor, &c. on

“ be chosen accordingly, and their names being returned by the clerk of the crown to the house of commons of the parliament of the united kingdom, one of the said names shall then be drawn, by lot, in such manner and time as the said house of commons shall direct; and the person whose name shall be so drawn, shall be deemed to be the member to sit for such place in the first parliament of the united kingdom; but if, at the time aforesaid, no writ shall have issued to supply such vacancy, none shall thereafter issue until the same be ordered by resolution of the house of commons of the parliament of the united kingdom, as in the case of any other vacancy of a seat in the house of commons of the parliament of the united kingdom. And be it enacted, that whenever his majesty, his heirs and successors, shall, by proclamation under the great seal of the united kingdom, summon a new parliament of the united kingdom of *Great Britain and Ireland*, the chancellor, keeper, or commissioners of the great seal of *Ireland*, shall cause writs to be issued to the several counties, cities, the college of the *Holy Trinity* of *Dublin*, and boroughs in that part of the united kingdom called *Ireland*, specified in this act, for the election of members to serve in the parliament of the united kingdom, according to the numbers herein-before set forth; and whenever any vacancy of a seat in the house of commons of the parliament of the united kingdom, for any of the said counties, cities, or boroughs, or for the said college of the *Holy Trinity* of *Dublin*, shall arise, by death or otherwise, the chancellor, keeper, or commissioners of the great seal, upon such va-

“cancy being certified to them respectively,
 “by the proper warrant, shall forthwith cause
 “a writ to issue for the election of a person to
 “fill up such vacancy; and such writs and the
 “returns thereon, respectively being returned
 “into the crown office in that part of the
 “united kingdom called *Ireland*, shall from
 “thence be transmitted to the crown office in
 “that part of the united kingdom called *Eng-*
 “*land*, and be certified to the house of com-
 “mons in the same manner as the like returns
 “have been usually or shall hereafter be certi-
 “fied; and copies of the said writs and returns,
 “attested by the chancellor, keeper, or com-
 “missioners of the great seal of *Ireland* for the
 “time being, shall be preserved in the crown
 “office of *Ireland*, and shall be evidence of
 “such writs and returns, in case the original
 “writs and returns shall be lost;” be it enacted,
 that the said act, so herein recited, be taken as
 a part of this act, and be deemed to all intents
 and purposes incorporated within the same.

39 & 40 Geo. 3.
c. 67.

certificate to
 him, to cause
 new writ to is-
 sue; return to
 be made into
 the crown-
 office in *Ire-*
land, and from
 thence to the
 crown-office in
England; co-
 pies being kept
 in the crown-
 office in *Ire-*
land, to be evi-
 dence if origi-
 nal lost.

Recited act to
 be taken as a
 part of this
 act.

The Irish Stat. 40 Geo. 3. c. 43.

An Act for the better regulating the Collection of His Majesty's Revenue, and for preventing of Frauds therein, and for repealing an Act made in the thirty-ninth Year of the Reign of His present Majesty, entitled, An Act for continuing and amending several Laws relating to His Majesty's Revenue, and for the more effectually preventing Frauds therein, and the several Acts and Statutes which are mentioned to be continued by this Act.

[1st August, 1800.]

(See 43 Geo. 3. c. 97. § 27. extending the quantity. See also 46 Geo. 3. c. 106. § 75.)

Land may be demised to commissioners of revenue, for building light-houses or watch-houses,

not exceeding one acre ;

§ 172. " AND whereas it is necessary that the commissioners of his majesty's revenue should purchase lands and tenements for building light-houses, watch-houses, and other accommodations for the business of the revenue," be it enacted, that it shall and may be lawful for all persons, bodies politic and corporate, tenants in tail, tenants for life, infants by their guardians, and the guardians and committees of lunatics and idiots, fêmes covert with their husbands, by leases or deeds indented and enrolled, to demise for any term of years to his majesty, or the commissioners of the revenue for the time being, or to such person or persons as the said commissioners of the revenue for the time being, or any three or more of them, shall appoint in trust, and to and for the use of his majesty, any lands not exceeding one acre (*a*), plantation

(*a*) The stat. 43 Geo. 3. § 27. extends the quantity to six acres.

measure, with the tenements thereon, together with such passage or road as may be necessary to such building, not exceeding twenty-one feet in breadth, without fine or other consideration, save only the yearly rent reserved; provided always, that if such land be any part of any fair, green, or market-place, or within the precincts of any city, town corporate, borough, or manor, having a right to return citizens or burgesses to parliament, or of any quay, pier, or dock, or any part of any town or village actually built upon, any part of a demesne, or of any lawn, garden, orchard, yard, planted walk, or avenue to a house, or of any park or paddock for deer, not more of such land shall be demised than is absolutely necessary for such light-houses or watch-houses to stand or be erected on; provided always, that no officer or officers, or other person or persons residing in or inhabiting such light-house or light-houses, watch-house or watch-houses, shall have acquired or exercised any right of voting for members to serve in parliament, for or by reason of such inhabiting or residence.

40 Geo. 3. c
43. Irish.



residence in
such light-
houses, &c.:
not to give a
right of voting

The Irish Stat. 40 Geo. 3. c. 80.

An Act to explain and amend an Act passed in the thirty-fifth Year of His present Majesty's Reign, intituled, An Act for regulating the Election of Members to serve in Parliament, and for repealing the several Acts therein mentioned, and to explain and amend an Act passed in the thirty-seventh Year of said Reign, entitled, An Act for the further Regulation of the Election of Members to serve in Parliament.

[1st August, 1800.]

Recital of 35
Geo. 3. c. 29.
(See § 16 of re-
cited act.)

Recital of 37
Geo. 3. c. 47.

Doubts as to
city and parts
of liberties of
Londonderry;

and also town
and part of
liberties of
Coleraine;

“ WHEREAS an act passed in the thirty-fifth
“ year of his present majesty's reign, intituled,
“ ‘ *An act for regulating the elections of mem-*
“ *bers to serve in parliament, and for repeal-*
“ *ing the several acts therein mentioned;*’ and
“ and whereas an act passed in the thirty-seventh
“ year of the said reign, intituled, ‘ *An act for*
“ *the further regulation of members to serve*
“ *in parliament,*’ and it is necessary to explain
“ and amend the same; and whereas by said
“ acts, it is required that every freeholder of
“ any county, registering his freehold, shall, in
“ the oath or affirmation to be by him taken
“ for that purpose, set out the barony or half-
“ barony wherein such freehold is situated: and
“ whereas doubts have arisen whether the city
“ of *Londonderry*, and that part of the liberties
“ thereof which is situate and lying on the
“ north-west side of the river *Foyle*; and also
“ whether the town of *Coleraine*, and that part
“ of the liberties thereof which is situate and
“ lying on the north-east side of the river *Bann*,

“ in the county of *Londonderry*, are comprised
 “ or included in any barony or half-barony in
 “ in the said county of *Londonderry*, or are
 “ themselves respectively baronies or half-baro-
 “ nies, for the purpose of registering of free-
 “ holds within the provisions of the said recited
 “ acts: and whereas doubts have likewise arisen,
 “ whether any freeholder, whose freehold is
 “ situate in the said city of *Londonderry*, and
 “ in the said part of the liberties thereof, or in
 “ the said town of *Coleraine*, and in the said
 “ part of the liberties thereof, and who has re-
 “ gistered his freehold as being so situate, is
 “ entitled by virtue of such registry, under the
 “ provisions of the said acts, to vote at any
 “ election for a knight or knights of the shire
 “ to serve in parliament for the said county
 “ of *Londonderry* :” be it therefore enacted, by
 the king’s most excellent majesty, by and with
 the advice and consent of the lords spiritual and
 temporal, and commons in this present parlia-
 ment assembled, and by the authority of the
 same, that from and after the passing of this
 act the said city of *Londonderry*, and that part
 of the said liberties thereof situate and lying on
 the north-west side of the river *Foyle*, and the
 said town of *Coleraine*, and that part of the
 said liberties thereof situate and lying on the
 north-east side of the river *Bann*, shall be con-
 sidered as separate and distinct half-baronies of
 the said county of *Londonderry*, for the pur-
 poses within the meaning of said acts, notwith-
 standing any law, custom, or usage to the con-
 trary.

40 Geo. 3. c.
89. Irish.

doubts as to
registry of
freeholds in
said places;

said places
shall be consid-
ered as sepa-
rate half-baro-
nies.

§ 2. And be it further enacted, that the she-
 riffs of the said city and county of *Londonderry*,
 when they have reason to apprehend a contest,

Sheriffs of city
and county of
Londonderry
apprehending
a contest, or

40 Geo. 3. c.
80. Irish.

being required
by candidate,
to cause two
booths to be
erected, or
hire two build-
ings, one for
city of *Londonderry*, the other
for the town of
Coleraine, ex-
clusive of
other booths
required.
(See 35 Geo. 3.
c. 29. § 5. *ante*,
ccxl.)

and shall ap-
point a clerk
and deputy for
each.

Freeholders of
said places
shall be polled
at their respec-
tive booths.

or shall be required by any candidate at any election to be held by them, as in the said act is mentioned, shall cause to be erected two separate booths, or hire two separate buildings, one for the city of *Londonderry*, and said part of the said liberties thereof, and one for the town of *Coleraine*, and the said part of the said liberties thereof, exclusive of the several other booths or buildings required in and by the said acts to be erected or hired for the several baronies and half-baronies in and within said county; and in every other respect, with regard to the said city, and said part of said liberties and said town, and said part of said liberties respectively, shall pursue the same rules and regulations as are prescribed thereby for baronies or half-baronies, and shall appoint a clerk and deputy for said city, and the said part of the said liberties thereof, and for the said town and the said part of the said liberties thereof respectively, in the like manner as in and by said acts is directed, respecting the several baronies or half-baronies therein mentioned.

§ 3. And be it further enacted, that on every election for a knight or knights of the shire for the said county of *Londonderry*, every freeholder whose freehold shall be registered as situate in the said city of *Londonderry*, and the said part of the said liberties thereof, or in the said town of *Coleraine*, and the said part of the said liberties thereof, and offering to vote, shall be polled in the booth, building, or place respectively appropriated to said city and the said part of the liberties thereof, or for the said town and the said part of the said liberties thereof, as the case may be, as fully and effectually as if the same

were baronies or half-baronies within the meaning of said act.

40 Geo. 3. c.
80. Irish.

§ 4. And be it further enacted, that in the registry of all freeholds situate in the said city of *Londonderry*, or in the said part of the said liberties thereof, or in the said town of *Coleraine*, or said part of the said liberties thereof respectively, the words “barony or half-barony,” “baronies or half-baronies, town-land or town-lands, as directed in the said acts to be mentioned in the oath or affirmation of the person registering the same,” shall be omitted therein, and the words “city of *Londonderry*, or “that part of the liberties thereof, situate and “lying on the north-west side of the river *Foyle*, “or town of *Coleraine*, or that part of the liberties thereof situate and lying on the north-east side of the river *Bann*,” as the case may be, shall be respectively inserted in their place, and that such registry shall be to all intents good and effectual, any thing in said acts contained to the contrary notwithstanding; provided always, that that part of the liberties of the said city of *Londonderry*, situate and lying on the north-east side the river *Foyle*, shall be deemed and taken as part of the half-barony of *Terkeerin*, in the said county of *Londonderry*, and that all freeholds situate in said last-mentioned part of said liberties shall be henceforth registered, pursuant to the provisions of said acts, as being and lying in the said half-barony of *Terkeerin*; and also that that part of the liberties of *Coleraine*, situate on the north-west side of the river *Bann*, shall be deemed and taken as part of the half-barony of *Coleraine*; and that all freeholds situate in the said last-mentioned part of said liberties of *Coleraine*,

Words “barony or half-barony,” &c. may be omitted in registry of freeholds in said places, and words herein shall be inserted in their places;

certain part of the liberties of *Londonderry* to be registered as part of the half-barony of *Terkeerin*;

part of liberties of *Coleraine* as part of the half-barony of *Coleraine*.

40 Geo. 3. c.
80. Irish,

shall be henceforth registered, pursuant to the provision of the said acts, as being and lying in the said half-barony of *Coleraine*.

§ 5. (*Expired.*)

penalty on clerk of peace for neglecting to keep books of registry, or to file affidavits;

clerks of peace destroying, altering, &c. books of registry;

or neglecting to attend at election with such books,

guilty of a misdemeanor, liable to three years imprisonment, or other punishment, and incapacitated from said office.

§ 6. And be it further enacted, that if any clerk of the peace shall omit or neglect to keep any of the books or registry of freeholders, in the manner and form prescribed by law, or to file any affidavit or affirmation delivered to him by the court to be filed, he shall, for every such offence, forfeit the sum of five hundred pounds, to be recovered against him by any freeholder who shall sue for the same by action, bill, plaint, or information, in any of his majesty's courts of record, in which no essoign, wager at law, nor more than one imparlance shall be allowed; and if any clerk of the peace shall destroy, or wilfully or negligently permit to be destroyed, or shall maliciously, fraudulently, corruptly, or wilfully make or permit, or suffer to be made, any alteration, erasure, obliteration, or interlineation, in any such book of registry, or neglect to attend, by himself, or his sufficient deputy, at any election for a member or members, to serve in parliament for any county, town, or city, with all and singular the books of the registry of the freeholders therein, and the affidavits on which the same are formed, and to remain there during the whole continuance of such election, he shall, upon being duly convicted thereof, be adjudged guilty of a misdemeanor, and shall be imprisoned for three years, or suffer such other punishment as the court shall think fit, and shall be forever after incapable of holding the office of clerk of the peace.

The Stat. 41 Geo. 3. c. 52. U. K.

An Act for declaring what Persons shall be disabled from sitting and voting in the House of Commons of the United Kingdom of Great Britain and Ireland; and also for carrying into Effect, Part of the Fourth Article of the Union of Great Britain and Ireland, by providing in what Cases Persons holding Offices, or Places of Profit, under the Crown of Ireland, shall be incapable of being Members of the House of Commons of the Parliament of the said United Kingdom.

[June 20th, 1801.]

“ WHEREAS, by an act, made in the session of **Preamble.**
 “ parliament held in the thirty-ninth and for-
 “ tieth years of the reign of his present majesty,
 “ intituled, *An act for the union of Great Bri-* **39 & 40 Geo.**
 “ *tain and Ireland*, it was, amongst other things, **3. c. 67.**
 “ provided, that the said kingdoms of *Great*
 “ *Britain and Ireland*, should, upon the first
 “ day of *January*, in the year of our lord one
 “ thousand eight hundred and one, and for ever
 “ after, be united into one kingdom, by the **(See the Irish**
 “ name of the united kingdom of *Great Britain* **stats. 19 & 20**
 “ and *Ireland*; and that the said united king- **Geo. 3. c. 25.**
 “ dom should be represented in one and the **ante, ccix.**
 “ same parliament, to be stiled, ‘The parliament **26 Geo. 3. c.**
 “ of the united kingdom of *Great Britain and* **61. ante, cccv.**
 “ *Ireland*:’ and whereas it is expedient fully **33 Geo. 3. c.**
 “ to declare in what cases persons are and shall **34. & 41. ante,**
 “ be disabled from, or incapable of, sitting and **ccxx & ccxxi.**
 “ voting in the house of commons of the **36 Geo. 3. c.**
 “ said parliament of the said united king- **25. ante,**
 “ **ccxxvii.**
 “ **and stats. of**
 “ **U. K. 47 Geo.**
 “ **3. sess. 2. c. 30.**
 “ **post, and 48**
 “ **Geo. 3. c. 140.)**

41 Geo. 3. c.
52. U. K.

All persons disabled from sitting in British parliaments shall be disabled from sitting in the united parliament as members for *Great Britain*.

All persons disabled from sitting in Irish parliaments, shall be disabled from sitting in united parliament, as members for *Ireland*.

Persons disabled by British statutes, shall not hereby be enabled to sit for *Ireland*, nor *e contra*.

“ dom :” Be it therefore enacted, by the king’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament of the said united kingdom assembled, and by the authority of the same, that, from and after the passing of this act, all persons disabled from or incapable of being elected, or sitting and voting in the house of commons of any parliament of *Great Britain*, shall be disabled from and be incapable of being elected, or sitting and voting in the house of commons of any parliament of the united kingdom, as knights, citizens, or burgesses, for any county, stewartry, city, borough, cinque port, town, or place, in that part of the united kingdom called *Great Britain*.

§ 2. And be it further enacted, that from and after the passing of this act, all persons disabled from or incapable of being elected, or sitting and voting in the house of commons of any parliament of *Ireland*, shall be disabled from and be incapable of being elected, or sitting and voting in the house of commons of any parliament of the united kingdom, as knights, citizens, or burgesses, for any county, city, borough, town; or place, in that part of the united kingdom called *Ireland*.

§ 3. Provided nevertheless, that nothing in this act shall be construed to enable persons, heretofore disabled by any act of the parliament of *Great Britain* from sitting and voting in the house of commons of *Great Britain*, to sit or vote in the house of commons of the said parliament of the said united kingdom, as knights, citizens, or burgesses for any county,

city, borough, town, or place, in that part of the united kingdom called *Ireland*; nor to enable persons, heretofore disabled by any acts of the parliament of *Ireland* from sitting and voting in the house of commons of *Ireland*, to sit or vote in the house of commons of the parliament of the said united kingdom, as knights, citizens, or burghesses, for any county, stewartry, city, borough, cinque port, town, or place, in that part of the united kingdom called *Great Britain*.

41 Geo. 3. c.
52. U. K.

§ 4. “ And whereas by the said act for the union of *Great Britain* and *Ireland*, it was, amongst other things, provided,” that “ until an act shall have passed in the parliament of the united kingdom, providing in what cases persons holding offices or places of profit under the crown of *Ireland* shall be incapable of being members of the house of commons of the united kingdom, no greater number of members than twenty, holding such offices or places as aforesaid, shall be capable of sitting in the said house of commons of the united kingdom;” Be it therefore further enacted, that; from and after the dissolution or other determination of this present parliament, no person or persons who shall by himself or his deputy, or any other in trust for him, or for his benefit, take, hold, enjoy, or execute, or continue to hold, enjoy, or execute, any of the offices, employments, or places of profit hereinafter mentioned, in or for that part of the united kingdom called *Ireland*, shall be capable of being elected or chosen a member of or of sitting or voting as a member of the house of commons of any parliament of the said united kingdom of *Great Britain* and *Ireland*, in any

Persons who shall hold certain places in *Ireland*, shall be disabled from sitting in any future parliament of the united kingdom, viz.

44 Geo. 3. c.
53. U. K.
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parliament which shall hereafter be summoned and holden; (that is to say),

Commission-  
ers of customs,  
excise, and  
stamps, &c.

No person who shall be commissioner of customs, excise, or stamps, or who shall be concerned, directly or indirectly, in the farming, collecting, or managing any of the sums of money, duties, or other aids, heretofore granted, or which shall hereafter be granted by any act of parliament to his majesty, his heirs or successors (except the commissioners of the treasury and their secretary):

Except trea-  
sury.

Commission-  
ers of appeals.

Nor any person who shall be a commissioner for determining appeals concerning the said duties of customs, excise, or stamps, or for controuling or auditing the account of the said duties (except the auditor-general of the exchequer):

Commission-  
ers of accounts

Nor any person who shall be a commissioner of imprest accounts:

Army agents

Nor any agent for any regiment:

Contractors.

Nor any person who shall, directly or indirectly, himself, or by any person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, or continue to execute, hold, or enjoy, in the whole or in part, any contract, agreement, or commission made or entered into under or from the commissioners of his majesty's treasury in *Ireland*, or with any one or more of such commissioners, or with any other person or persons whomsoever, for or on account of the public service in *Ireland*; or who shall knowingly and willingly furnish or provide, in pursuance of any such agreement, contract, or

commission which he or they shall have made or entered into as aforesaid, any money to be remitted abroad, or any wares or merchandize to be used or employed in the service of the public, during the time that he shall execute, hold, or enjoy any such contract, agreement, or commission, or any part or share thereof, or any benefit or employment arising from the same (except persons who shall be members of any incorporated trading company now existing or established in *Ireland*, and consisting of more than ten persons, so far as relates to any contract, agreement, or commission, which now is or shall or may hereafter be made, entered into, or accepted by such company in its corporate capacity, for the general benefit of such incorporation or company):

41 Geo. 3. c.  
52. U. K.

Except mem-  
bers of trad-  
ing companies,  
as such.

Nor any deputies or clerks in any of the several offices following; that is to say, the office of lord high treasurer, or the commissioners of the treasury, (except the secretary of the treasury); or of the auditor of the receipt of his majesty's exchequer, or of the tellers of the exchequer, or of the chancellor of the exchequer, (except the secretary of the chancellor of the exchequer); or of the commissioners of stamps, or of the commissioners of appeals.

Deputies or  
clerks in cer-  
tain offices.

§ 5. And be it further enacted, that, from and after the dissolution or other determination of this present parliament, no person who shall have, in his own name, or in the name of any person or persons in trust for him, or his benefit, any office or place of profit, from or by the nomination or appointment, or by any appointment subject to the approbation of the lord-lieutenant, lord deputy, lord justices, or other chief governor or governors of that part of

Persons hold-  
ing places from  
or by nomina-  
tion of lord-  
lieutenant, or  
by appoint-  
ment subject  
to his approba-  
tion, created  
since.

41 Geo. 3. c.  
58. U. K.

*Irish act, 53.  
Geo. 3. c. 41.  
(ante, cccxxi.)*

See 49 Geo. 3.  
c. 120. § 34.

Disabled persons presuming to sit in parliament shall incur the penalties under former *British* or *Irish* acts.

the united kingdom called *Ireland*, created or erected at any time after the passing of an act of the parliament of *Ireland*, in the thirty-third year of the reign of his present majesty, intitled, *An act for securing the freedom and independence of the house of commons, by excluding therefrom persons holding any offices under the crown to be hereafter created, or holding certain offices therein enumerated, or pensions for terms of years, or during his majesty's pleasure*, shall be capable of being elected or chosen a member of, or of sitting or voting as a member of, the house of commons of any parliament of the said united kingdom of *Great Britain* and *Ireland*, in any parliament which shall hereafter be summoned and holden.

§ 6. And be it further enacted, that if any person hereby declared to be disabled from, or rendered incapable of sitting or voting in the house of commons, shall nevertheless be elected or returned as a member to serve in parliament for any county, stewartry, city, borough, cinque port, town, or place, in any part of the said united kingdom, such election or return are hereby enacted and declared to be void to all intents and purposes whatsoever; and if any person or persons so hereafter elected or returned, and declared to be disabled or to be rendered incapable by this act to be elected, shall presume to sit or vote as a member of the said house of commons, such person or persons so sitting or voting shall incur such pains, penalties, and forfeitures, as are inflicted or imposed by the several acts of parliament heretofore passed in *Great Britain* or *Ireland* for

disabling or incapacitating such persons from sitting in the parliaments of *Great Britain* or *Ireland* respectively; and if such person or persons shall be disabled or incapacitated by the having, holding, or accepting of any office, employment, or place of profit, in this act enumerated and particularized, then, and in such case, such person or persons so sitting or voting, shall shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said house; to be recovered by such person as shall sue for the same in any court of record in any part of the said united kingdom, by action of debt, bill, plaint, or information, wherein no essoign, protection, or wager of law shall be allowed, and only one imparlance.

41 Geo. 3. c.  
52. U. K.

Or if disabled  
under this act  
shall forfeit  
500*l.* per day.

§ 7. Provided always, and it is hereby enacted and declared, that nothing in this act shall, during the continuance of this present parliament, extend, or be construed to extend, or relate to, or shall exclude or disable, any person or persons holding offices or places of profit under the crown of *Ireland*; so nevertheless, that no greater number than twenty of the persons holding such offices or places as aforesaid, shall be capable of sitting in the said house of commons; and so that no person holding any such office or place shall be capable of being elected, or of sitting in the said house, while there are twenty persons holding such offices or places sitting in the said house.

Act not to extend during this parliament to persons holding such offices or places; but no more than twenty such persons shall sit.

(Expired.)

§ 8. Provided also, and it is hereby further enacted and declared, that nothing in this act shall extend, or be construed to exclude any person having or holding any office, place, or

Act not to extend to offices held for life, or during good behaviour, (except those of

41 Geo. 3. c.  
52. U. K.

commissioners  
of imprest ac-  
counts, or per-  
sons concerned  
in managing  
duties, &c.  
granted to his  
majesty, &c.)

employment for life, or for so long as he shall behave himself well in his office (other than and except the commissioners of imprest accounts, and all persons concerned in the managing, collecting, or farming of any sums of money, duties, or other aids granted or to be granted to his majesty, his heirs or successors); any thing herein contained to the contrary notwithstanding.

Member ac-  
cepting any  
office whatever  
from the king,  
or lord-lieute-  
nant, &c. of  
*Ireland*, shall  
vacate his seat.

(See 49 Geo. 3.  
c. 120. § 34.  
providing that  
accepting a com-  
mission in the  
*Irish militia*  
shall not vacate  
seat, post .)

§ 9. Provided always, that if any person being chosen a member of the house of commons shall, from and after the passing of this act, accept of any office of profit whatever, immediately and directly from the crown of the said united kingdom, or by the nomination or appointment, or by any other appointment subject to the approbation of the lord-lieutenant, lord deputy, lord justices, or other chief governor or governors of that part of the said united kingdom called *Ireland*, his seat shall thereupon become vacant, and a writ shall issue for a new election: provided nevertheless, that such person (if he be not incapacitated by any thing hereinbefore contained), shall be capable of being again elected to be a member of the house of commons for the place for which he had been a member, or for any other place sending members to the house of commons\*.

\* The stat. 42 Geo. 3. c. 101. is expired, excepting the provision respecting the qualification of members, for which see *ante*, page 63.

The Stat. 42 Geo. 3. c. 61. U. K.

*An Act for the further Encouragement of Irish Mariners, and for other Purposes relating thereto.*

[3d June, 1802.]

(By § 1. No goods are to be imported into *Ireland* in a *British* or *Irish* ship unless the master and three-fourths of the crew are subjects of the united kingdom.)

(By § 8. Foreign mariners having served on board his majesty's ships of war during three years in time of war, and obtaining certificates from their captains, and taking the oath of allegiance, may be employed as a master of an *Irish* vessel, or as a mariner of the united kingdom, within the meaning of the act.)

Foreign mariners having served on board his majesty's ships of war three years in time of war, and obtaining certificates, &c. may be employed as masters &c. within the meaning of the act. No person naturalized by virtue of act, not enabled to be in parliament.

§ 11. Provided nevertheless, and it is hereby further enacted and declared, that no person who shall be naturalized by virtue of this act shall thereby be enabled to be of his majesty's privy council in *Ireland*, or a member of the parliament of the united kingdom of *Great Britain* and *Ireland*, or to take any office or place of trust, either civil or military, in *Ireland*, or to have any grant of lands, tenements, or hereditaments, from the crown in *Ireland*, to himself or any other person or persons in trust for him; any thing herein contained to the contrary in any wise notwithstanding.



The Stat. 42 Geo. 3. c. 106. U. K.

*An Act for regulating the Trial of controverted Elections, or Returns of Members to serve in the United Parliament for Ireland.*

[26th June, 1802.]

41 Geo. 3. c.  
101.


(see 47 Geo. 3.  
c. 14.)

“ WHEREAS an act was passed in the last session of parliament, intituled, *An act for regulating, until the first day of May, one thousand eight hundred and two, the trial of controverted elections, or returns of members to serve in the united parliament of Great Britain and Ireland, for that part of the united kingdom called Ireland; and for regulating the qualification of members to serve in the said united parliament; which act, so far as the same related to such controverted elections or returns, is now expired; and it is expedient that other provisions should be made for the regulating the trial of such controverted elections or returns;*” be it therefore enacted, by the king’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, all and every the rules, regulations, authorities, and powers heretofore given or prescribed by any act or acts of parliament of *Great Britain*, and in force at the time of the passing of the act for the union of *Great Britain and Ireland*, with respect to petitions presented to the house of commons, complaining of undue elections or returns of members to serve in parliament, or complaining of the omission or insufficiency of any such return, and with respect to petitions

All regulations prescribed by British acts in force at the union, respecting petitions to the house of commons, complaining of undue elections or returns, &c. extended to such petitions to the united parliament in respect of elections, &c. for any place in U. K.

of persons desiring to oppose any right of election, or any right of choosing, nominating, or appointing returning officers, which shall have been deemed valid by the determination of any select committee of the house of commons, and with respect to the trial and determination of all such petitions by such select committees, shall be in full force and effect with respect to all such petitions as shall or may be hereafter from time to time presented to the house of commons of the parliament of the said united kingdom, complaining of undue elections or returns of members to serve in parliament for any county, stewartry, city, borough, cinque port, town, or place, in any part of the said united kingdom, or of the omission or insufficiency of any such returns, or from any person or persons desiring to oppose any such right of election, or of choosing, nominating, or appointing returning officers, in as full and ample a manner as if the same rules, regulations, authorities, and powers were herein repeated, and particularly and specifically enacted, concerning the same petitions, and the trial and determination thereof; except so far as the same are altered in and by this present act.

42 Geo. 3. c.  
106. U. K.



§ 2. And be it further enacted, that no petition complaining of any undue election or return for any county, city, borough, town, or place, in that part of the united kingdom called *Ireland*, or of the omission or insufficiency of any such return, or from any person or persons desiring to oppose any right of election, or of choosing, nominating, or appointing returning officers in or for any such county, city, borough, town, or place, shall be proceeded upon by the house of commons, unless the same shall state

*Irish petitions not to be proceeded in unless they state every thing to be complained of, to which witnesses are to be called.*

42 Geo. 3. c.  
106. U. K.

all and every the several matters and things, of and concerning which the petitioner or petitioners presenting the same is or are desirous of complaining, and to which he or they purpose or intend to call and examine witnesses; and that no witness or witnesses shall be called or examined by or on the behalf of such petitioner or petitioners, either by or before the select committee of the house of commons to be chosen for the trial and determination of the merits of such petition, or by or before the commissioners to be chosen and appointed in manner herein mentioned, to any matter or thing not contained or set forth in such petition, or in the lists and statements herein mentioned.

Parties before committee on trial of such petition, immediately after choosing the chairman, to exchange lists of votes to which each of them object, (see 47 Geo. 3. c. 14. § 4.)

and also statements of particulars respecting right of voting, &c. and all matters which each party means to insist on or object to.

§ 3. And be it further enacted, that all the parties appearing before any select committee to be chosen for the trial and determination of the merits of any such petition, shall immediately after a chairman shall have been chosen by the said committee, and before any other business shall be proceeded upon by the said parties, or either of them, before the said committee interchange with and among each other, lists of all such votes, and of the names of all such voters, to which either of the said parties purpose and intend to object; and that the said parties shall also interchange with and among each other, statements in writing of all particulars respecting any right of voting, or of choosing or nominating a returning officer, and respecting all such other matters and things whatever, as either of the said parties mean to insist upon, or to contend for, or to object to; and that no witness or witnesses shall be called or examined by or on behalf of either of the said parties, before the said select committee,

or before the said commissioners, or either of them, to any matter or thing not specified and contained in the said lists or statements respectively, or in the petition complaining of the election or return in question, as herein mentioned and provided.

43 Geo. 3. c.  
106. U. K.

§ 4. “ And, for avoiding the inconveniences  
“ and expence which may in certain cases arise, by  
“ reason of witnesses being brought from *Ireland*  
“ to be personally examined before committees  
“ of the house of commons;” be it enacted,  
that whenever a select committee of the house  
of commons shall at any time hereafter be ap-  
pointed for the trial and determination of any  
petition complaining of an undue election or  
return of members to serve in parliament for  
any county, city, borough, town, or place, in  
that part of the united kingdom called *Ireland*,  
or complaining of the omission or insufficiency  
of any such return, or from any person or per-  
sons desiring to oppose any right of election, or  
any right of choosing a returning officer or re-  
turning officers, in or for such county, city,  
borough, town, or place, upon its appearing to  
the said committee, from the nature of the case,  
and the number of witnesses to be examined  
relative to any particular allegation or allega-  
tions in the said petition, that the same cannot  
be effectually enquired into before such com-  
mittee, without great expence and inconvenience  
to the parties, or either of them, it shall and  
may be lawful to and for the said select com-  
mittee, upon application of any of the parties  
before the said select committee, at any period  
during the course of their proceedings upon  
such petition, to make an order for the nomina-

To avoid the  
expence of  
witnesses  
being brought  
from *Ireland*.

On applica-  
tion of any of  
the parties,  
commissioners  
may be ap-  
pointed by  
committee.

42 Geo. 3. c.  
106. U. K.

tion and appointment of commissioners, in manner herein directed.

No such commission to issue without notice to all parties.

§ 5. Provided always, and be it further enacted, that no commission as aforesaid shall issue under this act, except the party or parties intending to apply for the same shall serve a notice on the opposite party or parties as soon as the petition in question shall be presented to the house of commons, of his intention to apply to the select committee for such commission as aforesaid.

Where committee think no commissioners necessary, committee may proceed as in other cases.

§ 6. Provided always, and be it further enacted, that if the said committee shall not think it necessary to make such order, or to appoint such commissioners as aforesaid, then and in such case the said committee shall proceed to try the merits of the said petition, in the same manner as the merits on petitions respecting controverted elections are tried for that part of the united kingdom called *Great Britain*.

When committee make an order for appointment of commissioners.

§ 7. And be it further enacted, that whenever the said committee shall think fit to make an order for the appointment of commissioners as aforesaid, such commissioners shall be appointed in manner herein mentioned; that is to say, on the next sitting day after the said order shall have been made by the said committee, at the time previously appointed by the said committee, in the presence of the said committee, and also in the presence of the said petitioners, their counsel or agents, and of the sitting members, their counsel or agents, and also in the presence of all parties before the house on distinct interests, or complaining or complained of on different grounds, or whose right to be

elected or returned may be affected by the determination of the said select committee, or their several and respective counsel or agents, (or in the presence of such of the said parties, their counsel or agents, as shall then and there attend) the names of three barristers, each being of six years standing at the bar at the least, and each of them having consented under their hands and seals to become commissioners on being appointed in manner herein mentioned, (and not having voted at the election in question for the county, city, borough, town, or place, respecting which the election or return complained of, or other subject matter of the petition in question, arose or happened, and not being, nor having been at the time of the election in question, sheriff of the county, or returning officer of the city, borough, town, or place, in or for which the said election, return, or other matter of the petition in question, arose or happened, nor having been counsel at such election) shall be delivered to the chairman of the said committee, by or on behalf of each and every the said distinct parties, or by or on behalf of such of them as shall then and there attend by themselves, their counsel or agents; and a list of the whole of such names shall forthwith be made; and thereupon the said parties, their counsel or agents, beginning on the part of the said petitioners, shall, in the presence of the said committee, proceed alternately to strike off the name of one of the said barristers contained in the said list, until the number shall be reduced to two; which said two barristers, together with the chairman, who shall also be a barrister of like standing, and who shall be named and appointed in manner herein mentioned, shall be commissioners for

42 Geo. 3. c.  
 106. U. K.

On the next sitting day after such order, the names of three barristers of six years standing at the bar (having previously consented, and not having voted or been returning officer or counsel at the election)

to be delivered to the chairman of the committee on behalf of each party, and a list of the whole made;

which list is to be reduced to two; who, with the chairman as hereafter named, are to be the commissioners.

43 Geo. 3. c.  
106. U. K.

(See post, § 14.)

the purpose of examining all such matters and things as shall be referred to them by the said select committee in manner aforesaid, and as shall be specially assigned and limited in the order of the said committee, for that purpose made as aforesaid.

Chairman of  
said commis-  
sion to be such  
barrister as all  
the parties  
may agree  
upon.

If the parties  
do not agree,  
the committee  
to nominate a  
chairman :

To enable the  
committee to  
do so, the  
clerk of the  
crown in Ire-  
land, or his de-  
puty, to send  
to the speaker  
of the house  
of commons, a  
list of barris-  
ters of six  
years standing  
who consent to  
act as com-  
missioners.

§ 8. And be it further enacted, that immediately after the appointment of the said two commissioners in manner aforesaid, and before the said committee shall adjourn, a third commissioner, for the purposes aforesaid, and who shall be the chairman of the said commission, shall be appointed in manner following (that is to say), if all the parties interested shall agree among themselves in nominating and appointing any one such barrister, who shall have consented to such appointment under his hand and seal, then such barrister so nominated and consenting, shall be and he is hereby appointed to be a third commissioner and chairman of the said commissioners; but in case the several parties shall not agree amongst themselves in the appointment of such chairman as aforesaid, then it shall be lawful for the said select committee to nominate any barrister of like standing in manner herein mentioned.

§ 9. “ And, in order to enable the said select committee to appoint such chairman as aforesaid,” be it enacted, that the clerk of the crown in *Ireland*, or his deputy, shall, at the commencement of every session of parliament, send over to the speaker of the house of commons of the united parliament, a list of all such barristers, of not less than six years standing, who shall have consented under their hands and seals to act either as commissioners or as chairman to



the commissioners for the purposes of this act, in case they or any of them shall be appointed in manner herein mentioned, out of which list the said select committee are hereby directed to appoint one other commissioner who shall act as chairman to the said commissioners; provided, that no barrister, whose name shall have been previously struck off the list by any of the parties before the said select committee, shall be appointed to act as chairman to the said commissioners.

42 Geo. 3. c.  
106. U. K.

Out of which list, the committee are to appoint a chairman of said commission.

§ 10. Provided always, and be it further enacted, that if all the said parties interested in such petition shall agree in nominating any three such barristers to be commissioners as aforesaid, and shall deliver to the chairman of the select committee, a list of three such barristers so agreed upon, and consenting to act as aforesaid, such list being signed by all the said parties, such three persons shall be and become commissioners for the purposes aforesaid, as if they had been appointed in manner herein mentioned; and in such case the said commissioners shall appoint one of themselves to be their chairman.

If the parties agree upon three such barristers, and sign the list, such three to be commissioners,

and to appoint one of themselves chairman.

§ 11. And be it enacted, that when more than two parties appear before the house upon distinct and separate interests at the striking of the select committee, if it shall appear that the said several parties are actually distinct and separate, and that there is no collusion between them, that then and in such case none of the parties shall be permitted to give in any list of barristers to the said select committee for the purposes of appointing commissioners as aforesaid, but that the said select committee shall,

When more than two parties are upon distinct interests,

none of them to give lists of barristers for commissioners, but the committee to appoint them out of the list to



42 Geo. 3. c.  
106. U. K.

be returned by  
the clerk of  
the crown, and  
to nominate  
the chairman.

If petitioner  
or agent does  
not appear  
within an hour  
after the time  
fixed for ap-  
pointment of  
commissioners,  
committee not  
to proceed, so  
far as respects  
petitioner  
making de-  
fault, but to  
report to the  
house that the  
petition was  
so far, &c.  
not proceeded  
in, and peti-  
tioner to be  
held to have  
made default  
in his recogni-  
zance.

If the sitting  
member or  
party oppos-  
ing petition,  
shall not by  
himself or  
agent appear  
within an hour  
after the time  
fixed for ap-  
pointing com-  
missioners.

out of the list of barristers so returned by the clerk of the crown or his deputy, appoint the three commissioners, and nominate which of the three shall act as chairman.

§ 12. Provided also, and be it further enacted, that if within one hour after the time fixed by the said committee for the appointment of commissioners in pursuance of this act, the petitioner or petitioners shall not appear either by themselves, their counsel or agents, before the said committee, or shall not give in any lists of names in manner aforesaid, then and in such case the said committee shall not proceed to the appointment of such commissioners, so far as respects such petitioner or petitioners so making default, but shall forthwith report to the house that such petition in such respect as aforesaid was not proceeded upon before the said committee, and the petitioner or petitioners so neglecting to appear shall be held to have made default in the recognizance or recognizances entered into by him or them on the presenting of such petition.

§ 13. And be it further enacted, that if within one hour after the time fixed by the said committee for proceeding to the appointment of commissioners as aforesaid, the sitting member or sitting members, or any other party or parties opposing the petition, shall not appear before the said committee, by himself or themselves, or by his or their counsel or agents, or shall not give in any list of names in manner aforesaid, for the purpose of appointing commissioners, and of reducing the list of such names as shall be delivered by or on behalf of any party or parties appearing before the said select

committee as aforesaid, the place of a party opposing the petition shall be supplied by the chairman of the committee, who shall accordingly, as often as it shall come to his turn as supplying the place of the party opposing the petition to strike out a name, put all the then remaining names into a glass, and draw one out, which name shall be struck off the said list; and the same method of reducing the said list to the number of two, shall be followed whenever any party shall waive his right of striking off names from the said list.

43 Geo. 3. c.  
106. U. K.

the chairman  
of committee  
to supply his  
place and  
strike the list.

So if any party  
waive his right  
of striking off  
names from  
list.

§ 14. And be it further enacted, that when and as soon as the said commissioners shall be appointed in manner aforesaid, the chairman of the said select committee shall issue a warrant under his hand and seal, directed to each of the commissioners so appointed, commanding the said commissioners and each of them, under the penalty of five hundred pounds, to repair to the city, borough, town, or place, in or for which the election or return complained of or other subject matter of the petition arose or happened, on a day certain to be named in the said warrant, and which day shall not be less than fourteen days, nor more than twenty-one days distant from the day on which the said commissioners were appointed in manner aforesaid; and in case any of the said commissioners shall neglect or refuse to obey the injunction of the said warrant, he or they so neglecting or refusing, shall accordingly forfeit the sum of five hundred pounds, and the said chairman of the said committee shall address to the chairman of the said commissioners, a true copy of the petition which shall have been referred to the said committee, and of the said lists and dis-

Chairman of  
the committee  
shall issue a war-  
rant directed  
to each com-  
missioner,  
who are  
to go to the  
city or borough  
for which the  
election is  
complained of,  
under penalty  
of 500*l*.  
(See post, § 21.)

Chairman of  
the committee  
to address a  
copy of the  
petition, list  
of votes, &c.  
&c. to the

42 Geo. 3. c.  
106. U. K.

chairman of  
the commis-  
sioners;

to be conveyed  
to the clerk  
of the crown  
in Ireland, and  
transmitted by  
him.

Copy of chair-  
man's warrant  
to be inserted  
in *Dublin ga-  
zette*.

Committee, up-  
on completion  
of proceedings  
aforesaid, to  
report their  
proceedings to  
the house, and,

on permission,  
to adjourn  
until speaker  
shall re-as-  
semble them.  
(See post, § 26.)

puted votes and statements of the several parties which shall have been delivered before the said committee, together with a true copy of the order made by the said committee, specially assigning and limiting the facts or allegations, matters, and things, respecting which the said commissioners are required and directed to examine evidence, and to report the same, together with all such other documents and papers as the said select committee shall think proper; all which warrants, petitions, orders, and papers shall be conveyed to the clerk of the crown in *Ireland*, or his deputy, and by him or his deputy transmitted to the several parties, in the method used in conveying writs in that part of the united kingdom called *Great Britain*; and the said chairman of the said select committee shall also transmit a copy of his warrant, but not of the several other papers, to the printer of the *Dublin* gazette, to be inserted in the next number of the said gazette which shall be published after the receipt of the copy of the said warrant, by the said printer.

§ 15: And be it further enacted, that, immediately after the completion of the proceedings aforesaid, the said chairman of the said select committee shall thereupon report the proceedings of the said committee to the house, and shall ask permission of the house for the said committee to adjourn, until such time as the speaker shall, by his warrant, in manner herein mentioned, direct the said committee to re-assemble; and upon such permission being granted, it shall and may be lawful for the said committee to adjourn accordingly; any act or acts of parliament now in force to the contrary thereof in anywise notwithstanding: provided

always, that whenever any select committee shall report to the house in manner aforesaid, they shall state in their report that they have gone through all the other parts of the said petition, except what have been specially referred to the commissioners in *Ireland* herein mentioned.

42 Geo. 3. c.  
106. U. K.

Committee in their report to state that they have gone through all parts of petition, except what has been referred to the commissioners.

§ 16. And be it further enacted, that in all cases of the trial of petitions on controverted elections for any county, city, borough, town, or place in that part of the united kingdom called *Ireland*, the select committee for the trial of such petition shall not be dissolved on account of the death or absence of any number of the members thereof, except the number of the said committee shall be reduced to less than nine; any act or acts of parliament now in force, or any law, usage, or custom to the contrary thereof in any wise notwithstanding.

Committee on Irish election petitions not to be dissolved, unless reduced to less than nine in number.

§ 17. And be it further enacted, that, on the day and at the place appointed, between the hours of ten in the forenoon and four in the afternoon, the said commissioners and chairman shall meet and open their court, or commence their proceedings, by reading the warrant of the said chairman of the said select committee, and also the copy of the petition annexed to the said warrant, and also the copies of all other papers transmitted by the said chairman; and the said commissioners shall, before further proceeding on the business of their said commission, take and subscribe the following oath, that is to say;

Hours of meeting, and commencement of proceedings of commissioners.

“ I, *A. B.* do swear, that I will, without favour, affection, or malice, and according to Oath.

42 Geo. 3. c.  
106. U. K.

“ the best of my skill and knowledge, well and  
 “ truly try and examine all such matters and  
 “ things as shall be brought before me by virtue  
 “ of a warrant, dated the                      day of  
 “                      under the hand and seal of the chair-  
 “ man of the select committee of the house of  
 “ commons, on a petition from [*here state the*  
 “ *name or names of the petitioner or peti-*  
 “ *tioners, and of the place to which the peti-*  
 “ *tion relates ;*] and that I will in all things,  
 “ well and truly perform the duty of a com-  
 “ missioner appointed to try the said matters  
 “ and things, according to the rules, regula-  
 “ tions, and directions contained in an act,  
 “ passed in the forty-second year of the reign  
 “ of king George the third, intituled, [*here set*  
 “ *forth the title of this act.*]

“ So help me God.”

Which oath the said chairman of the said com-  
 missioners, having first taken and subscribed  
 the same in the presence of the rest of the said  
 commissioners, is hereby authorized and em-  
 powered to administer to the other and others  
 of them the said commissioners; and if any  
 person shall act as a commissioner in the execu-  
 tion of this act, not being qualified by his de-  
 gree as a barrister, every such person shall for  
 such offence forfeit and pay the sum of five  
 hundred pounds, and the said commissioners  
 shall sit every day (Sundays, Christmas Day,  
 and Good Friday, only excepted), from the hour  
 of ten in the morning till four in the afternoon,  
 and shall never adjourn for a longer time than  
 twenty-four hours, except in case of the death  
 or continued absence of any of the said com-  
 missioners as herein provided, unless Sunday,  
 Christmas Day, or Good Friday shall inter-

500l. penalty  
 for acting as  
 commissioner,  
 not being qua-  
 lified as a bar-  
 rister.

Commissioners  
 to sit *de die in*  
*diem*, except on  
 certain days ;  
 nor to adjourn  
 for more than  
 twenty-four  
 hours ; except  
 in cases of  
 death or con-  
 tinued absence  
 of commis-  
 sioner, unless  
 certain days  
 intervene.

vene; and in case of such intervention, every meeting, sitting, or adjournment, shall be within twenty-four hours from the time of appointing or fixing the same, exclusive of such Sunday, Christmas Day, or Good Friday.

§ 18. And be it further enacted, that no one of the said commissioners shall be allowed to absent himself from the said daily sittings and meetings, except in cases of sudden accident or necessity, or in case of illness, and that such cases of sudden accident or necessity shall be made appear to the others of the said commissioners, by facts specially stated and verified upon oath of the said commissioner so absenting himself; and that such illness shall be certified to the others of the said commissioners on the oath of a physician; which oaths shall be made before one of his majesty's justices of the peace; and that any commissioner who shall so absent himself without such lawful excuse, shall, for every day on which he shall so absent himself, forfeit and pay the sum of five hundred pounds.

§ 19. And be it further enacted, that the said commissioners shall never sit until all the said commissioners are met, except in cases where the absence of a commissioner is verified upon oath as aforesaid, nor then, except by consent of all parties in manner herein mentioned; and in case the said commissioners, or such number as shall be so consented to (the said chairman being always one), shall not meet within one hour after the time to which the meeting of the said commissioners shall have been adjourned, a further adjournment shall be made in the manner before directed, and so from time to time until all the said commissioners, or such num-

42 Geo. 3. c.  
106. U. K.

In case of such intervention, meeting to be within 24 hours of the time of appointing it, exclusive of certain days. No commissioner to absent himself, unless through illness or accident. Illness or accident to be verified on oath of a physician; to be made before a justice of the peace;

500*l.* penalty on commissioner absenting himself without such lawful excuse.

Commissioners not to sit until all met, except in case of absence, verified upon oath as aforesaid, (see § 18.) nor then except by consent of parties. In case of commissioners not meeting within an hour after time to which their meeting was adjourned, a further adjournment to be made, and so on till com-

42 Geo. 3. c.  
106. U. K.

missioners, or number consented to, are assembled; if commissioners reduced below three, and so continue three sitting days, and no such consent as aforesaid is given, the party by whom commissioner dying or absenting himself was nominated, to nominate another. In case of death, or continued absence of chairman, new chairman to be appointed as herein;

who is to have notice of his appointment, and repair to the place of meeting as herein. under penalty of 500l.

ber as shall be so consented to in manner herein mentioned (the said chairman being always one), are assembled; and if the number of the said commissioners able to attend, shall at any time by death or otherwise be unavoidably reduced to less than three, and shall so continue for the space of three sitting days, and no such consent as herein mentioned shall have been given, the party by whom the commissioner so dying or absenting himself was originally appointed shall nominate a barrister, having consented in manner before mentioned, to act as a commissioner in his place; and in case of the death or continued absence of the chairman of the said commissioners for the space of three sitting days, then the remaining commissioners shall proceed to nominate one other such barrister, having consented in manner before mentioned, to be a new commissioner and chairman; but in case the remaining commissioners cannot agree in the appointment of a chairman, then the names of the remaining commissioners shall be put into a glass in open court, in the presence of the parties, or such of them as shall attend, and the commissioner whose name is first drawn out shall nominate and appoint one such barrister (having consented in manner before mentioned), to be such chairman; and the said remaining commissioners shall give notice of his appointment to such commissioner or chairman so appointed, who shall thereupon, under the penalty of five hundred pounds, repair to the place of meeting of the other commissioners, on a day certain to be named by the remaining commissioners, and which day shall not be more than fourteen days distant from the day on which the said commissioner or chairman was appointed in manner aforesaid;



and all and every such commissioner or chairman so from time to time to be appointed in the place or stead of any commissioner or chairman dying or absenting himself for the time aforesaid, shall in all respects have the same power, jurisdiction, and authority, as the commissioner in whose place or stead he shall have been appointed in manner aforesaid, and shall proceed conjointly with the other commissioners to complete the purposes for which the said commissioners were originally appointed.

42 Geo. 3. c.  
106. U.K.

Commissioner  
or chairman so  
substituted,  
to have the  
same authority  
as others.

§ 20. Provided always nevertheless, that notwithstanding any thing herein contained to the contrary, any number of the said commissioners (the said chairman being always one), may, during the absence or after the death of any other or others of the said commissioners, execute all the purposes of this act, with the consent of all parties interested, and which consent shall be especially entered on the minutes of the proceedings of the said commissioners, and signed by the parties, their counsel or agents respectively.

Any number  
of commissioners  
(the chairman one) may  
act during the  
absence or af-  
ter death of  
any other com-  
missioner, by  
consent of all  
parties.

§ 21. Provided always, and be it enacted, that if any commissioner appointed by virtue of this act shall be prevented from attending at the day and place appointed as aforesaid by any sudden accident, necessity, or illness, to be verified upon oath in manner herein directed with respect to the absence of either of the said commissioners, after proceeding on the said commission, then and in such case the commissioner or commissioners so prevented from attending by such sudden accident, necessity, or illness, shall not be liable to the said penalty of five

Commission-  
ers not being  
able to attend  
by reason of  
illness, &c.  
exempt from  
penalty.



42 Geo. 3. c.  
106. U. K.

Commissioners may adjourn to any town within the county.

Chairman of said commission, by warrant, to send for persons, papers, and records; and commissioners to examine witnesses on oath, and to have the same powers and authorities as select committees; and to appoint a clerk, who is to take minutes of proceedings and evidence, (See post, 47 Geo. 3. c. 14. § 1. enacting that such clerk shall be sworn as therein )

hundred pounds ; any thing herein contained to the contrary notwithstanding.

§ 22. And be it further enacted, that it shall and may be lawful for the said commissioners, from time to time, to adjourn to any town within the county, in all cases where it shall appear to them necessary so to do.

§ 23. And be it further enacted, that the said chairman of the commission shall at all times, by warrant under his hand and seal, have power to send for all persons, papers, and records ; and the said commissioners shall examine all witnesses who shall come before them upon oath, and shall examine all matters referred to them, and shall in all respects have the same powers and authorities for examining the said matters so referred to them, as select committees of the house of commons on controverted elections have, for examining the matters and things referred to such select committees; and the said commissioners shall appoint a clerk to take down in writing, minutes of all the proceedings of them the said commissioners, and of all such evidence as shall be given or produced before them, in as accurate a manner as the same can possibly be done, and shall proceed in examining all and every witness or witnesses who shall come before them, and in scrutinizing the rights of any voter or voters, and in all other matters and things whatsoever referred to them, in the same course and manner, and according to the same rules, as select committees of the house of commons on controverted elections ought and are empowered to proceed in like cases ; and the clerk appointed by the said commissioners shall from time to time make, or

cause to be made, true copies of the minutes of all proceedings before the said commissioners, and of all such evidence as shall be given or produced before them, and shall give one such copy to each of the parties interested, or his or their agent, or to such of them as shall demand the same, on being paid for each sheet of the said copy, consisting of seventy-two words, the sum of sixpence; and within ten days after the evidence before the said commissioners shall be closed touching the matters and things referred to them, the said commissioners shall cause two copies of the minutes of all their proceedings to be made, and shall examine the same with the said minutes, and shall sign and seal the said copies; and shall transmit by their clerk, one of the said copies to the clerk of the crown for *Ireland*, or his deputy, at the crown office in *Dublin*, and the other of the said copies to the speaker of the house of commons of the parliament of the said united kingdom, who shall accordingly communicate the same to the said house; and upon the transmission of the said copies, the said commissioners shall adjourn, in order to receive such further orders from the select committee upon the petition in question, as such committee may from time to time think requisite and necessary.

§ 24. And be it further enacted, that the said commissioners shall not permit or suffer any barrister or counsel to plead before them, or to examine or cross-examine any of the witnesses; but that the said commissioners shall themselves examine and cross-examine all the witnesses that shall be produced before them.

42 Geo. 3. c.  
106. U. K.

and make copies thereof, and to give them to the parties interested, on being paid as herein.

(See 47 Geo. 3.  
c. 14. § 6, 7.)

Commissioners to examine two copies of the minutes of their proceedings, and transmit one copy to the clerk of the crown for *Ireland*, and the other to the speaker of the house of commons, who is to communicate the same to the house. On transmission of such copies, commissioners to adjourn for further orders from select committee.

No barrister to plead before commissioners, or examine witnesses.

42 Geo. 3. c.  
106. U. K.

If any evidence be offered, which the majority of the commissioners think ought not to be heard, they are to state their reasons in writing;

but are to hear the same, on being required by the party offering it; which is to be taken down separate from the other proceedings,

and a copy thereof signed and sealed by said commissioners, transmitted with the other proceedings as aforesaid.

If the committee think the evidence frivolous or

§ 25. Provided always, and be it further enacted, that in case at any time in the course of the said proceedings before the said commissioners, any of the said parties shall tender or offer to produce to the said commissioners any witness or evidence, to, of, or concerning any matter or thing whatsoever in issue before the said commissioners, which witness or evidence the said commissioners, or a majority of them, shall be of opinion ought not to be examined, heard, or received, the said commissioners shall state in writing the reasons and grounds upon which they have rejected the said evidence, and enter the same upon their proceedings; and it shall and may be lawful to and for the party tendering or offering to produce such witness or evidence, to require of the said commissioners that the said witness or evidence shall be examined, heard, and received, by and before them; and the testimony of such witness, or the purport of such evidence, shall accordingly be taken down in writing by the clerk to the said commissioners separately and apart from all other evidence before the said commissioners, and a copy thereof, with a statement of the purpose to or for which the said witness or evidence was produced, and by whom the same was produced, shall be signed and sealed by the said commissioners, in the nature of a bill of exceptions to evidence, and the same shall be transmitted by the said commissioners, together with all the other proceedings before them, in manner herein mentioned; and if the select committee of the house of commons, to whom the merits of the petition in question shall be afterwards referred, in manner herein mentioned, shall be of opinion, that the tendering and offering of such witness or evidence

was frivolous or vexatious, or that the testimony of such witness, or the purport of such evidence was impertinent or irrelevant to the matter in issue before the said commissioners, the said committee shall report such their opinion to the house, together with their opinion on the other matters relating to the said petition, and the party who shall before the said commissioners have opposed the examining, hearing, or receiving of such witness or evidence, shall be entitled to recover from the person or persons who shall have produced such witness or evidence, the full costs and expences which such party or parties shall have incurred in opposing the same, or by reason of the same being received in manner aforesaid; which costs and expences shall be ascertained and recovered in the same manner and form as are now provided by law for the recovery of costs and expences in cases of frivolous or vexatious petitions, or frivolous or vexatious opposition to any petition.

§ 26. And be it further enacted, that within two days after the copy of the said proceedings before the said commissioners, shall be received by the speaker of the house of commons, the said speaker shall insert in the *London* gazette, a warrant signed by him, directing the select committee upon the petition in question to re-assemble and meet again within the space of one month from the date of such warrant, provided parliament shall be then sitting, and in case parliament shall not then be sitting, to meet within one month after the commencement of the next session of parliament; and that the said select committee shall accordingly re-assemble and meet again,

42 Geo. 3. c.  
106. U. K.

vexatious, they are to report the same to the house :

and the party opposing the hearing of said evidence before the commissioners, is to be entitled to costs incurred in opposing the same.

Speaker, within two days after receiving copy of proceedings before the commissioners, to issue warrant as herein, for committee to re-assemble within one month, if parliament be sitting; if not, within one month after commencement of the next session,

42 Geo. 3. c.  
106. U. K.

to try and de-  
termine merits  
of petition;

committee not  
to receive any  
new evidence,  
but to deter-  
mine upon the  
evidence re-  
ceived by the  
commission-  
ers.

Committee  
may hear coun-  
sel as to the  
effect of said  
evidence.

Committee  
may at any  
time during  
their continu-  
ance, and be-  
fore reporting  
their final opi-  
nion, direct  
any further  
warrant to the  
chairman of  
said commis-  
sioners, to re-  
assemble, if  
necessary.

and shall take the said proceedings of the said commissioners into consideration, and shall proceed to try and determine the merits of the said petition, in such and the same manner as select committees on controverted elections are by the laws now in force directed to proceed, try, and determine; save and except that the said committee shall not call for or receive any other or further evidence, written or parole, respecting any matters or things which shall have been tried and examined by the said commissioners in manner aforesaid; but the said committee shall determine on all such matters and things from the written minutes of the evidence, and proceedings before the said commissioners, and the certificates of the said commissioners so signed, sealed, and transmitted as aforesaid: provided always, that the said committee shall and may be at liberty to hear counsel, as to the effect of the said evidence, in like manner as they may do respecting any other matter in question before them; and that the said select committee shall report their own opinion to the house, upon the whole merits of the said election, or other matter of the said petition.

§ 27. Provided always, and be it further enacted, that the said select committee shall, (from time to time during the continuance of the said committee, and at any time before reporting their final opinion to the house on the merits of the petition in question) have full power and authority to direct any further or other warrant to the said chairman of the commissioners, under the hand and seal of the chairman of the said committee, ordering and directing the said commissioners to re-assemble for such purposes as shall be in the said warrant specified; and that

such and the like proceedings shall be had upon such further warrant of the chairman of the said committee, as are herein directed with respect to the said warrant of the chairman of the said committee herein first mentioned.

48 Geo. 3; c.  
106. U. K.

§ 28. And be it further enacted, that all and every person and persons who shall wilfully give false evidence, or make any false oath or affidavit before the said commissioners, or before any justice of the peace, touching any matter or thing provided for by this act, shall be prosecuted and indicted for the same; and such person or persons being convicted thereof, shall be sent to some house of correction for a time not exceeding seven years, there to be kept to hard labour during all the said time, or otherwise to be transported to some of his majesty's plantations beyond the seas, for a term not exceeding seven years, as the court shall deem most proper; and that it shall and may be lawful for the chairman of the said commissioners, and he is hereby authorized and empowered, by warrant under his hand and seal, directed to any one or more constable or constables, or to any other person or persons, specially appointed by such chairman, to summon and require the attendance of any witness or witnesses, or other person or persons, before the said commissioners, at the day and place to be mentioned in the said warrant.

Persons giving false evidence before commissioners, to be indicted for the same;

and, if convicted, be imprisoned seven years, or be transported.

Chairman of commissioners may, by warrant, &c. summon witnesses.

§ 29. And be it further enacted, that if any person so summoned as a witness as aforesaid, shall neglect or refuse to attend, without lawful excuse, to be determined by the said commissioners; or if any witness before such commissioners shall prevaricate or shall otherwise

Chairman of commissioners to commit to prison for six months, witnesses refusing to attend, or prevaricating, &c.

42 Geo. 3. c.  
106. U. K.

to try and de-  
termine merits  
of petition;

committee not  
to receive any  
new evidence,  
but to deter-  
mine upon the  
evidence re-  
ceived by the  
commission-  
ers.

Committee  
may hear coun-  
sel as to the  
effect of said  
evidence.

Committee  
may at any  
time during  
their continu-  
ance, and be-  
fore reporting  
their final opi-  
nion, direct  
any further  
warrant to the  
chairman of  
said commis-  
sioners, to re-  
assemble, if  
necessary.

and shall take the said proceedings of the said commissioners into consideration, and shall proceed to try and determine the merits of the said petition, in such and the same manner as select committees on controverted elections are by the laws now in force directed to proceed, try, and determine; save and except that the said committee shall not call for or receive any other or further evidence, 'written or parole, respecting any matters or things which shall have been tried and examined by the said commissioners in manner aforesaid; but the said committee shall determine on all such matters and things from the written minutes of the evidence, and proceedings before the said commissioners, and the certificates of the said commissioners so signed, sealed, and transmitted as aforesaid: provided always, that the said committee shall and may be at liberty to hear counsel, as to the effect of the said evidence, in like manner as they may do respecting any other matter in question before them; and that the said select committee shall report their own opinion to the house, upon the whole merits of the said election, or other matter of the said petition.

§ 27. Provided always, and be it further enacted, that the said select committee shall, (from time to time during the continuance of the said committee, and at any time before reporting their final opinion to the house on the merits of the petition in question) have full power and authority to direct any further or other warrant to the said chairman of the commissioners, under the hand and seal of the chairman of the said committee, ordering and directing the said commissioners to re-assemble for such purpose as shall be in the said warrant specified



49 Geo. 3. c.  
106. U. K.



(such witnesses not being peers, &c.)

If requisite to summon a member of parliament, attending his duty, the chairman to certify the same to the speaker.

Each commissioner (after the final report of the committee to the house) to receive 200*l.* from the treasury in *Dublin*, for his attendance, and one guinea a day and travelling expences.

misbehave in giving or refusing to give evidence, or if any person shall be guilty of any contempt or misbehaviour whatsoever of or towards the said commissioners, while sitting and acting in the execution of their said commission, the said chairman of the commissioners shall, and he is hereby empowered, by a warrant under his hand and seal, and directed to the gaoler of the common gaol of the county or place in which the said commissioners shall sit, to commit such person (not being a peer of the realm or a lord of parliament), to the custody of the said gaoler, without bail or mainprize, for any time not exceeding six calendar months.

§ 30. And be it enacted, that in case it shall be requisite to summon any member of parliament to give evidence before the said commissioners, who shall be then attending his duty in parliament, that in such case the chairman of the commissioners shall certify the same to the speaker of the house of commons, who shall report the same to the house.

§ 31. And be it further enacted, that each of the said commissioners so to be appointed in manner aforesaid, shall, immediately after the select committee on the petition in question shall have made the final report to the house on the merits of the said petition, be entitled to demand and receive from the lords commissioners of the treasury in *Dublin*, the sum of two hundred pounds, for his attendance upon the execution of the said commission, together with the sum of one guinea for every day which such commissioner shall have been, or shall be necessarily engaged on the said commission, and also his travelling expences, at the rate of one



shilling and sixpence for every mile which such commissioner shall have travelled from or to his usual place of abode, in his attendance on the execution of such commission; and that the clerk to the said commissioners shall also, upon his transmitting the said copies in manner aforesaid, be entitled to demand and receive from the lords commissioners of the treasury in *Dublin*, such sum or sums for his attendance on the execution of the said commission, as the said commissioners shall under their hands certify to be reasonable, not exceeding the amount of two guineas for each day of his attendance on the execution of the said commission, together with such sum for the copies of the evidence transmitted to the clerk of the crown in *Ireland*, and the speaker of the house in manner aforesaid, as the said commissioners shall think fit, not exceeding the sum of sixpence for every sheet consisting of seventy-two words, the said copies shall contain.

42 Geo. 3. c.  
106. U. K.

The clerk to commissioners to be paid such sum as the commissioners of the treasury shall think reasonable, not exceeding two guineas per day for his attendance, and such sum for copies of evidence as commissioners think fit, not exceeding 6d. a sheet.  
(See post, 47 Geo. 3. c. 14. § 7.)

§ 32. And be it further enacted, that all pecuniary penalties in and by this act imposed, shall and may be recovered with full costs of suit by any person or persons who shall sue for the same by action of debt in any court of record in that part of the united kingdom called *Ireland*; in which action it shall be sufficient for the plaintiff or plaintiffs to declare that the defendant or defendants is or are indebted to him or them (to the amount of the penalty sued for) by virtue of this act; and in which action no essoin, privilege, protection, or wager of law shall be allowed, nor more than one imparlance.

Penalties may be sued for in any court of record in *Ireland*.

How plaintiff may declare.

No essoin, &c.

§ 33. Provided always, and be it further enacted, that every indictment, information, or

Limitation of actions.

42 Geo. 3. c.  
106. U. K.



action for any offence against this act, or any forfeiture incurred under the same, shall be found, filed, or commenced within one year after the commission of the fact, on which such indictment, information, or action shall be grounded, or within six months after the conclusion of the proceedings in the house of commons relating to the petition on the trial of which such fact shall have arisen.



The Stat. 43 Geo. 3. c. 25. U. K.

*An Act for better securing the Freedom of Elections of Members to serve in Parliament for any Place in Ireland, by disabling certain Officers employed in the Collection or Management of His Majesty's Revenues in Ireland, from giving their Votes at such Elections.*

[24th March, 1803.]

From June 1, 1803, officers of the revenue in Ireland, herein specified, incapable of voting in any election of

“For the better securing the freedom of elections of members to serve in parliament;” be it enacted, by the king’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the first day of *June*, one thousand eight hundred and three, no commissioner, collector, surveyor, supervisor, gauger, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing

the duties of excise in *Ireland*, or any branch or part thereof; nor any commissioner, collector, surveyor, comptroller, searcher, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the duties of customs in *Ireland*, or any branch or part thereof; nor any surveyor, collector, comptroller, inspector, or other officer or person whatsoever concerned, engaged, or employed, by or under the commissioners of his majesty's revenue in *Ireland*, in the charging, collecting, levying, or managing any of the duties, taxes, or impositions in *Ireland*, paid or levied under the direction of such commissioners, or any of them; nor any commissioner, officer, or other person, concerned or employed in collecting, receiving, or managing any of the duties on stamped vellum, parchment, and paper, in *Ireland*; nor any person appointed by the said last-mentioned commissioners for distributing of stamps in *Ireland*; nor any postmaster or postmasters-general, or his or their deputy or deputies; nor any person employed by or under him or them in receiving, collecting, or managing the revenue of the post office in *Ireland*, or any part thereof; nor any captain, master, or mate of any ship, packet, or other vessel, employed by or under the postmaster or postmasters-general in *Ireland*, in conveying the mail from and to *Ireland*, to or from *Great Britain*, or to or from any other place whatever, shall be capable of giving his vote in any election for the choice of any representative in parliament for any county, city, county of a city, borough, town corporate, university, or other place whatever in *Ireland*; and if any person hereby made incapable of voting as aforesaid, shall nevertheless presume to give his vote during the time

43 Geo. 3. c.  
25. U. K.

members to  
serve in parliament for *Ireland*.

Vote of such  
officers, and  
for twelve

43 Geo. 3. c.  
25. U.K.

months after  
holding such  
offices, to be  
void, and the  
offenders to  
forfeit 100*l.* as  
herein, and be  
incapacitated  
for office un-  
der the crown.

he shall hold, or within twelve calendar months after he shall cease to hold or execute any of the offices aforesaid, contrary to the true intent and meaning of this act, such votes so given shall be held null and void to all intents and purposes whatsoever; and every person so offending shall forfeit the sum of one hundred pounds *Irish* currency, one moiety thereof to the informer, and the other moiety thereof to be paid into the hands of the treasurer of the county, city, town, or place in *Ireland*, within which such offence shall have been committed, to be applied and disposed of to the use of some public charitable institution, or to such other charitable purposes, within the said county, city, town, or place, as the justices at the next general quarter-session of the peace to be held for such county, city, town, or place in *Ireland*, shall think fit, and to be recovered by any person that will sue for the same by action of debt, bill, plaint, or information, in any of his majesty's courts of record in *Dublin*, in which no essoign, protection, privilege, or wager of law, nor more than one imparlance shall be allowed; and the person against whom any such penalty shall be recovered, shall become and is hereby declared disabled and incapable of ever bearing or executing any office or place of trust whatsoever under his majesty, his heirs or successors.

Act not to ex-  
tend to patent  
offices in *Ire-*  
*land*, for estate  
of inheritance  
or freehold,

§ 2. Provided always, and be it enacted, that nothing in this act contained shall extend, or be construed to extend, to any office in *Ireland* now held or usually granted to be held by letters patent for any estate of inheritance or freehold.

nor to persons  
resigning be-  
fore June 1,  
1803.

§ 3. Provided also, and be it enacted, that nothing herein contained shall extend to any

person who shall resign his office or employment on or before the said first day of June, one thousand eight hundred and three.

43. Geo. 3. c.  
25. U. K.

§ 4. Provided also, and be it enacted, that no person shall be liable to any forfeiture or penalty, by this act laid or imposed, unless prosecution for the same be commenced within twelve calendar months next after such penalty or forfeiture shall be incurred.

Limitation of  
actions.

The Stat. 45 Geo. 3. c. 59. U. K.

*An Act for amending an Act passed in the Parliament of Ireland, in the Thirty-fifth Year of His present Majesty, for regulating the Election of Members to serve in Parliament, so far as relates to Freeholds under the yearly Value of Twenty Pounds, and for making further and other Regulations relating thereto.*


[27th June, 1805.]

“ WHEREAS, by an act passed in the parliament of Ireland, in the thirty-fifth year of the reign of his present majesty king George the third, intituled, ‘ *An act for regulating the election of members to serve in parliament, and for repealing the several acts therein mentioned,*’ it is enacted, that no person shall be admitted to vote at any election of a member or members to serve in parliament, by virtue of a freehold under the yearly

Irish act, 35  
Geo. 3. c. 29.  
§ 30, &c. 46, &c.

(See post, 51  
Geo. 3. c. 77.)

45 Geo. 3. c.  
59. U. K.



“ value of twenty pounds, unless such freehold  
 “ shall have been in his actual occupation, either  
 “ by his residing thereon, or tilling or grazing  
 “ the same to the amount of forty shillings  
 “ yearly value thereof, at the time of his regis-  
 “ tering the same, pursuant to the provisions  
 “ of the said act, and also for six successive ca-  
 “ lendar months at the least between the date  
 “ of such registry and the test of the writ for  
 “ holding the election, unless such freehold  
 “ shall have come to such person by devise,  
 “ descent, marriage, or marriage-settlement,  
 “ and was demised at the time it so came,  
 “ and continued at the time of such election  
 “ to be held under him by virtue of such de-  
 “ mise: And whereas the aforesaid wholesome  
 “ provisions of the said recited act may be  
 “ evaded by pretended grants of, or agreements  
 “ for leases for a life or lives, though no lease  
 “ shall have been executed, or such life or lives  
 “ been nominated:” Be it therefore enacted, by  
 the king’s most excellent majesty, by and with  
 the advice and consent of the lords spiritual  
 and temporal, and commons, in this present  
 parliament assembled, and by the authority of  
 the same, that every person who from and after  
 the passing of this act, shall register a freehold  
 under the yearly value of twenty pounds, not  
 arising from a rent-charge, shall register the  
 same in manner and form following, instead of  
 registering it in manner and form prescribed  
 by said recited act, or any law or laws now in  
 force; that is to say, he shall, at a sessions of  
 the peace for the county, county of a town, or  
 city, wherein his freehold lies, held twelve  
 months at the least previous to the test of the  
 writ for holding the election at which he shall  
 tender his vote, produce in open court the

Persons pos-  
 sessing a free-  
 hold under 20l.  
 not arising  
 from a rent-  
 charge, to re-  
 gister the same  
 as hereby di-  
 rected, instead  
 of registering  
 it as directed  
 by any other  
 law.

\* 51. Geo. 3. c.  
77. § 2.

deed, lease, or instrument, under which his freehold arises, and take and subscribe the following oath, or, if a quaker, the following affirmation :

45 Geo. 3. c.  
59. U. K.

“ I, *A. B.* of \_\_\_\_\_ in the county  
 “ of \_\_\_\_\_ [*or*] of the county of the  
 “ city or town of \_\_\_\_\_ [*as the case*  
 “ *may be*] do swear, [*or, if a quaker, affirm*]  
 “ that I am a freeholder of the county of \_\_\_\_\_  
 “ \_\_\_\_\_ and that I have a freehold  
 “ therein, arising from an house or houses,  
 “ land, or both, or other hereditaments, [*as*  
 “ *the case may be*] of the clear yearly value  
 “ of forty shillings at the least, above all  
 “ charges payable out of the same, lying and  
 “ being at \_\_\_\_\_ [*naming the*  
 “ *town-land or town-lands, or other denomina-*  
 “ *tion by which the place is generally known,*  
 “ *and barony or half-barony, or baronies or*  
 “ *half-baronies, wherein it is situate*], in this  
 “ county, [*and if in a city or town, or county of*  
 “ *a city or town, naming the same, and the*  
 “ *street, and square, row, alley, lane, or place*];  
 “ and that the said freehold does not arise from  
 “ a rent-charge; and that the same arises by  
 “ virtue of the\* deed, lease, or instrument which  
 “ I now produce, bearing date the \_\_\_\_\_  
 “ day of \_\_\_\_\_ in the year \_\_\_\_\_,  
 “ for the life or lives of *A. B.* and *C. D.* [*or in*  
 “ *case the said freehold be not for life or lives,*  
 “ *then stating the nature of his tenure, as the*  
 “ *case may be*], at the yearly rent of \_\_\_\_\_  
 “ \_\_\_\_\_; and that I am in the actual oc-  
 “ cupation thereof, by residing thereon, or by  
 “ tilling, or by grazing, or by both tilling and  
 “ grazing, [*as the case may be*], to the amount  
 “ of at least forty shillings yearly value thereof;

Form of oath.  
(See further as  
to the oath, 51  
Geo. 3. c. 77.  
§ 1.)

\* (See post, at  
the end of this  
section.)

45 Geo. 3. c.  
59. U. K.

“ and that the said freehold is not set, or agreed  
“ to be set, to the person or persons who  
“ executed the said deed, lease, or instrument,  
“ or to the heirs or assigns of such person or  
“ persons, or to any one in trust for him, her,  
“ or them, nor do I intend to set the same to  
“ such person or persons, or any of them; and  
“ that I have not agreed to set it, for the term  
“ for which I hold it, nor have I procured it  
“ fraudulently, or in exchange for a freehold in  
“ any other county.

“ So help me God.”

Freeholds not  
arising by  
deed, &c. shall  
be truly de-  
scribed in the  
oath.

And if the freehold, in right or virtue whereof any person shall desire to qualify himself to vote, shall not arise by virtue of a deed, lease, or instrument, the person desiring to register it shall describe the same in the oath or affirmation so to be taken by him, according to the true state and nature of his tenure; in which case the words in the foregoing oath, importing that the same arises by virtue of deed, lease, or instrument, shall be omitted, and such description inserted in the place thereof.

Oath shall be  
read aloud,  
&c. signed,  
&c. and re-  
corded.

§ 2. And be it enacted, that every such oath or affirmation shall be read aloud in open court, and be signed by two at least of the justices presiding there, and shall be then delivered by the court to the acting clerk of the peace, to be filed and kept amongst the records of the county, county of a city, or town, wherein such freehold shall lie.

Deed, &c.  
produced, shall  
be marked and  
registered.

§ 3. And be it further enacted, that every deed, lease, or instrument, produced by any person making the affidavit or affirmation aforesaid, shall be indorsed at the time in open court, by



the acting clerk of the peace, with his name, and the day of the month and year; and the clerk of the peace shall then and there compare the deed, lease, or instrument, with the affidavit of registry; and he shall, within ten days from the date thereof, enter in the book of his registry the date thereof, the names of the parties, and the name or names of the life or lives for which the same is held.

45 Geo. 3. c.  
59. U. K.

§ 4. And be it further enacted, that from and after the twenty-ninth day of *September*, one thousand eight hundred and nine, no person shall be admitted to vote at any election to be held in *Ireland*, for a member or members to serve in parliament, by virtue of a freehold under the clear yearly value of twenty pounds, who shall not have so registered his freehold twelve calendar months at the least before the test of the writ for holding the election at which he shall offer his vote; and that every person who shall offer to vote as a freeholder, in right of a freehold under the yearly value of twenty pounds, shall, before he shall be admitted to poll at any election, if required by the sheriff, or any elector, declare upon oath from whom he holds or derives his freehold, if he holds it under any person or persons; and if the same be situate in a city, town corporate, or market-town, and describe the street, or part of the city or town in which the same is situate, and who are his next resident neighbours, and when the same was granted, and for what life or lives, and whether such life or lives, or any of them, is or are in being at the time of such election; and whether he is the person who actually registered the freehold under which he desires to

No person shall vote for freeholds under 20l. unless registered twelve calendar months before test of writ;

on voting he shall state particulars of freehold, as herein,

on oath, if required by sheriff or any elector;

and whether he is the person who registered the same

45 Geo. 3. c.  
59. U. K.

Such declara-  
tions to be en-  
tered in poll-  
book.

vote; and the said declarations, in all such cases, shall be entered in the poll-book taken by the sheriffs, or their deputies, at such election; and he shall, if so required by any elector, before he be admitted to poll, take the following oath:

Form of oath.

“ I, *A. B.* of \_\_\_\_\_ in the county  
“ of \_\_\_\_\_ or of the town or city  
“ of \_\_\_\_\_ do swear [*or, if a*  
“ *quaker, do affirm*] that I am a freeholder  
“ of this county, and that I have a freehold  
“ therein, arising from a house or houses, land,  
“ or both, or other hereditaments [*as the case*  
“ *may be*] of the yearly value of forty shillings  
“ at the least, above all charges payable out of  
“ the same, lying and being at  
“ in the barony or baronies, half-barony or half-  
“ baronies, of \_\_\_\_\_ in this  
“ county [*and if in a city or town, or county of*  
“ *a city or town, naming the same, and the*  
“ *street, square, row, alley, lane, or place*];  
“ and that the said freehold does not arise from  
“ a rent-charge.

“ So help me God.”

Additional  
form of oath,  
if required.

§ 5. Provided always, and be it further enacted, that if any candidate or elector shall desire the words following to be added, “ and that  
“ the same arises by virtue of a deed, lease, or  
“ instrument [*or otherwise, as the case may be*],  
“ bearing date the \_\_\_\_\_ day of \_\_\_\_\_  
“ \_\_\_\_\_ in the year \_\_\_\_\_, for the life  
“ or lives of \_\_\_\_\_; and that the said  
“ \_\_\_\_\_ one of the aforesaid lives,  
“ is still alive, to the best of my knowledge and  
“ belief [*unless he is himself one of the lives,*

“ *in which case he shall swear*], ‘ that I am one  
 “ of the lives therein,’ *instead of the words*,  
 “ ‘ that the said one of the  
 “ aforesaid lives, is still alive, to the best of my  
 “ knowledge and belief;” or, in case the said  
 freehold be not for life or lives, then stating the  
 nature of his tenure, or the words following;  
 “ and that I have been in the actual occupation  
 “ thereof for twelve successive calendar months,  
 “ between *[naming the day he*  
 “ *registered the same]*, and  
 “ *[naming the date of the test of the writ for*  
 “ *holding this election]*, by residing thereon, or  
 “ by tilling, and by grazing, or by both tilling  
 “ and grazing *[as the case may be]*, to the  
 “ amount of at least forty shillings yearly va-  
 “ lue thereof *[as the case may be]*,” or the words  
 following, “ and that the said freehold is not set,  
 “ or agreed to be set, to the person or persons  
 “ who executed the said deed, lease, or instru-  
 “ ment, or to the heirs or assigns of such per-  
 “ son or persons, or to any one in trust for him  
 “ or them; nor do I intend to set the same to  
 “ such person or persons, or any of them; and  
 “ that I have not set it, or agreed to set it, for  
 “ the term for which I hold it; and that I have  
 “ not been polled before at this election; and  
 “ that I am, to the best of my belief, of the  
 “ age of twenty-one years;” the same shall, or  
 so much thereof as shall be so desired, shall be  
 added to the said oath or affirmation, before the  
 person offering to vote shall be admitted to  
 poll.

§ 6. And be it further enacted, that the  
 blanks in the said oath or affirmation shall be  
 filled up in conformity to the oath or affirma-

45 Geo. 3. c.  
59. U. K.

tion which the person going to take the same shall have taken at the time of his registering such freehold.

Provisions of  
former acts  
extended to  
this.

§ 7. And be it further enacted, that, from and after the commencement of this act, all the provisions, clauses, conditions, regulations, and penalties, of the said recited acts, or any acts amending the same, with respect to freeholds, under the yearly value of twenty pounds, and which are not hereby altered or repealed, shall be applied, construed, deemed, and taken to extend to freeholds under the value of twenty pounds, the registry whereof is by this act directed and required, as fully and effectually as if the same were hereby and herein specifically enacted and applied thereto.

Fraudulent  
grants of free-  
holds shall be  
valid against  
the grantor.

§ 8. And be it enacted, that if any person or persons shall fraudulently and knowingly grant any interest importing to be a freehold, which really is not so, with intent to enable any person to vote, such grant shall be good and valid against the grantor thereof, for every purpose but enabling the grantee to vote.

100l. penalty  
on fraudulent  
grantors.

§ 9. And be it further enacted, that if such grantor shall be possessed only of a term of years therein, and shall demise the same, or any part thereof, for a life or lives, with intent to induce the lessee therein to register such as a freehold, or to vote as a freeholder thereout, he shall forfeit the sum of one hundred pounds to any person who shall sue for the same by action, bill, plaint, or information, in any court of law.

45 Geo. 3. c.  
59. U. K.Oath of clerk  
of peace for  
performance  
of acts.

§ 10. “ And, for the better securing the per-  
 “ formance of the duties hereby, and by the said  
 “ in part recited act, or by any other act or acts  
 “ directed to be performed by the clerk of the  
 “ peace, or his deputy, in respect to the registry  
 “ of freeholds,” be it further enacted, that the se-  
 “ veral clerks of the peace, or their deputies, of  
 “ the several counties of *Ireland*, shall, at the  
 “ general quarter sessions of the peace, or ad-  
 “ journment thereof, next after the passing of this  
 “ act, or at the next general quarter sessions of  
 “ the peace, or adjournment thereof, next after  
 “ his appointment, take and subscribe an oath in  
 “ the form following; and which oath the justices  
 “ presiding at the said sessions are hereby directed  
 “ and empowered to administer :

“ I, *A. B.* clerk, or deputy clerk of the peace  
 “ for the county of  
 “ [*as the case may be*], do swear, that I will  
 “ faithfully and honestly, and without favour  
 “ or affection, perform and discharge the seve-  
 “ ral duties directed to be performed by the  
 “ clerks and deputy clerks of the peace, by an  
 “ act passed in the parliament of *Ireland*, in  
 “ the thirty-fifth year of the reign of his pre-  
 “ sent majesty, intituled, ‘ *An act for regulating*  
 “ *the election of members to serve in parlia-*  
 “ *ment, and for repealing the several acts*  
 “ *therein mentioned;*’ and by an act passed in  
 “ the forty-fifth year of his present majesty’s  
 “ reign, intituled, [*here set forth the title of*  
 “ *this act*]; and that I will not demand or  
 “ receive any fee or fees for discharging the  
 “ said duties, which I am not entitled to by  
 “ law.

(35 Geo. 3. c.  
29. Irish.)

“ So help me God.”

45 Geo. 3. c.  
59. U. K.

And which oath the said clerks and deputy clerks of the peace are hereby required to deliver to the treasurer of the county, to preserve amongst his records of the county.

Copies of registers shall be given by clerk of peace  
(See schedule, post, ccclxxvii.) to freeholders requiring the same.  
(See ante, 35 Geo. 3. c. 29. § 43. Irish.

§ 11. And be it further enacted, that the said several and respective clerks, and deputy clerks of the peace, shall, from time to time, as directed by the said in part recited act of the thirty-fifth year of his present majesty's reign, give to every freeholder who shall require the same, a full, true, and correct return, of the names of all such persons as shall register their freeholds according to the directions of this act, and of the said act of the thirty-fifth year of his present majesty's reign, and shall certify at the foot thereof that the said return so made is true and correct, according to the schedule hereunto annexed.

Persons having registered freeholds before 1st Aug. 1805, under existing acts, may vote at any election, the test of the writ for which dated previous to 29th Sept. 1809;

§ 12. Provided always, and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to prevent any person who shall have registered his freehold before the first day of *August* next ensuing, pursuant to the laws in force for that purpose, from voting at any election for a member or members to serve in parliament, the test of the writ for holding which shall bear date before the twenty-ninth of *September*, one thousand eight hundred and nine; but every person who might by the law in force vote at any such election, shall and may vote thereat as fully and freely, to all intents and purposes, as if this act had not been made, subject to all and singular the clauses, conditions, oaths, and regulations, appointed and provided by the said in part re-

cited act; provided he shall produce to the returning officer, if required by him or any elector, the deed, lease, article, or agreement, under which he shall have registered such freehold, duly executed prior to such registry.

45 Geo. 3. c.  
59. U. K.

on producing  
deed, &c.

§ 13. “ And, for the greater convenience of “ registering freeholds,” be it enacted, that every adjournment of a sessions of the peace, and every adjournment of an adjournment, shall be deemed a sessions of the peace within the meaning of the said act, and this present act; and in case there shall have been no adjournment of such sessions, or no adjournment of an adjournment of such sessions, and that such sessions shall in that case lapse, a sessions shall be holden, at which the clerk of the peace, or his deputy, shall and is hereby required to attend, for the purpose of registering of freeholders, the first *Monday* in the next month, at the place where the last general sessions of the peace shall have been held for the purpose of registering freeholders; and every adjournment of every such sessions, to any city or market-town within the county, shall be deemed and taken to be a sessions within the meaning of the said act, or this present act.

Adjournment  
and adjourn-  
ment of ad-  
journment of  
sessions to be  
deemed a ses-  
sions of the  
peace within  
the meaning of  
said act;


where there  
being neither  
such adjourn-  
ment, and ses-  
sions lapse,  
clerk of peace  
to attend the  
first *Monday* in  
the next  
month, &c. for  
the purpose of  
registering  
freeholders.

Adjournment  
of sessions.

§ 14. And be it further enacted, that if any person, in taking any oath or affirmation herein before appointed or authorized to be taken at any registry, or before any returning officer or officers, shall thereby commit wilful perjury, and be thereof convicted, or if any person shall unlawfully and corruptly procure or suborn any other person to take any such oath or affirmation, whereby he, or such person or persons,

Penalty on  
perjury and  
subornation  
as under exist-  
ing acts.

45 Geo. 3. c.  
59. U. K.



shall commit such wilful perjury, and shall be thereof convicted, he, or such person or persons so offending, shall incur such pains and penalties as are inflicted by any act or acts for the more effectual preventing, and further punishment of, perjury and subornation of perjury.



## APPENDIX.—IRELAND.

[illegible]

The Stat. 46 Geo. 3. c. 106. U. K.

*An Act to provide for the better Execution of the several Acts relating to the Revenues, Matters, and Things, under the Management of the Commissioners of Customs and Port Duties, and of the Commissioners of Inland Excise and Taxes in Ireland.*

[16th July, 1806.]

Commissioners  
of customs and  
excise em-  
powered to  
take for light-  
houses, &c.

(See ante, 40  
Geo. 3. c. 43.)

lands not ex-  
ceeding in any  
one place six  
acres, &c. ;

§ 75. "AND whereas it is necessary that the said commissioners of customs and port duties, and the said commissioners of inland excise and taxes, respectively, should be enabled to take lands and tenements for building houses, offices, warehouses, light-houses, watch-houses, or other accommodations for the business of the revenue;" be it enacted, that it shall be lawful for all persons, bodies politic and corporate, tenants in tail, tenants for life, infants by their guardians, and the guardians and committees of lunatics and idiots, fêmes covert with their husbands, by leases or deeds indented and inrolled, to demise for any term of years to his majesty, or to the said commissioners respectively for the time being, or to such person or persons as the said commissioners respectively, or any three of them respectively shall appoint, in trust, and to and for the use of his majesty, any lands, not exceeding in any one place six acres, plantation measure, with the tenements thereon, together with such passage or road as may be necessary to such buildings, not exceeding twenty-one feet in breadth, without fine or other consideration,

save only the yearly rent reserved: Provided always, that if such land be any part of any fair, green, or market-place, or within the precincts of any city, town corporate, borough, or manor having a right to return citizens or burgesses to parliament; or of any quay, pier, or dock, or any part of any town or village actually built upon, any part of a demesne, or of any lawn, garden, orchard, yard, planted wall, or avenue to a house, or of any park or paddock for deer, not more of such land shall be demised than is absolutely necessary for such purposes as aforesaid: Provided always, that no officer or officers, or other person or persons, residing on or inhabiting such lands or tenements so taken, shall have, acquire, or exercise, any right of voting for members to serve in parliament, for or by reason of such inhabiting or residence.

46 Geo. 3. c.  
106. U. K.

no right of  
voting to be  
acquired by  
residence  
thereon.

The Stat. 47 Geo. 3. sess. 1. c. 14. U. K.

*An Act to amend several Acts, for regulating the Trial of Controverted Elections or Returns of Members to serve in Parliament, so far as the same relate to Ireland.*

[19th February, 1807.]

“ WHEREAS an act was made in the forty-  
“ second year of the reign of his present ma-  
“ jesty, intituled, ‘ *An act for regulating the*  
“ *trial of controverted elections or returns of*  
“ *members to serve in the united parliament,*

42 Geo. 3. c.  
106.

47 Geo. 3. c.  
14. U. K.

Clerk to commissioners for taking evidence under recited act shall be sworn.

*“for Ireland,”* and it is expedient that further regulations should be made for carrying the said act into execution; be it therefore enacted by the king’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this act, when any person shall be appointed to be clerk to any commissioners under the said recited act, for the purpose of examining any matters or things referred to them by any select committee of the house of commons, in manner directed by the said recited act, such person so appointed to be clerk shall be sworn by the chairman of the said commissioners, *faithfully and truly to take down in writing the evidence adduced before the said commissioners, and from day to day, as occasion may require, to transcribe, or cause the same to be transcribed, for the use of the said commissioners; and that in taking down the said evidence in writing, he will give the exact words in which such evidence shall be delivered in as accurate a manner as the same can possibly be done, and will in all things conduct himself, as such clerk, without favour, affection, or malice, according to the best of his skill and judgment.*

No person being a voter, nor claiming to be so, shall be a commissioner to take evidence, nor clerk to such commissioners without consent in writing of parties.

§ 2. And be it further enacted, that no person shall be chosen or appointed to be a commissioner under the said recited act, for the purposes of examining any matters or things referred to commissioners by any select committee of the house of commons, for the trial of any petition under the provisions of the said recited act, or to be clerk to such commissioners, who

shall have voted at the election in question, or who shall have or claim any right or title to vote for the county, city, borough, town, or place, respecting which the election or return complained of, or other subject matter of such petition arose or happened, without the consent and approbation in writing of the petitioners and sitting members by and against whom any such petition shall be preferred.

47 Geo. 3. c.  
14. U. K.  


§ 3. Provided always, that any objection to the appointment of such commissioner shall be made at the time of his being chosen and appointed, and that any objection to the appointment of such clerk shall be made at the first meeting of the commissioners, otherwise any objection, either to the appointment of commissioner or clerk shall be invalid and of none effect, and such appointment of commissioner or clerk shall be valid and effectual, to all intents and purposes.

Objection to such appointments when to be made.

§ 4. And be it further enacted, that the parties appearing before any select committee of the house of commons, under the said recited act, and delivering any lists of votes, or of the names of voters, to which either of the said parties purpose and intend to object, shall in such lists specify and particularize against every vote, and against the name of every voter contained in such list, the specific and particular ground or grounds of objection upon which such party purposes and intends to object against such vote or voter respectively; and that no evidence shall be adduced before such select committee, or before any commissioners to be appointed under the said recited act, against the validity of any

Lists of votes objected to shall state the specific objections to each; and if objections are stated in support of which no evidence is produced, they may be reported frivolous and vexatious, and the party objecting shall in such case pay costs; (see ante, 42 Geo. 3. c. 106. § 3.).

47 Geo. 3. c.  
14. U. K.

vote or voter upon any ground of objection to such vote or voter other than one of the grounds so specified and particularized; and that if any ground of objection shall be stated against any vote or voter, and no evidence shall be produced before such select committee, or before such commissioners, to substantiate the objection against such voter or voters, upon such ground of objection so stated, and if the select committee appointed for the trial of the petition whereon such proceeding shall arise, shall be of opinion that such proceeding was frivolous and vexatious, the said committee shall report the same to the house of commons, together with their opinion on the other matters relating to the said petition; and the party or parties against the votes or voters for whom any objection or objections shall be made, on which no evidence shall be produced, shall, in such case, be entitled to recover from the party or parties by or on whose behalf any such objection or objections was or were made, the full costs and expences incurred by reason of such frivolous and vexatious objection or objections; which costs and expences shall be ascertained and recovered in the same manner and form as are now provided by law for the recovery of costs and expences in cases of frivolous or vexatious petitions, or frivolous or vexatious opposition to any petition.

to be recovered as in case of frivolous or vexatious petitions, or frivolous or vexatious petition.

Select committees, after proceedings before commissioners in Ireland may send for papers, &c. produced before such commissioners,

§ 5. And be it further enacted, that when any select committee of the house of commons shall re-assemble to try and determine the merits of any petition under the said recited act, after any proceedings shall have been had by or before any commissioners appointed under the said recited act for examining any matters which

shall have been referred to them by such select committee, it shall and may be lawful for such select committee to send for all or any such books, papers, and records, or other written documents, as were produced in evidence before such commissioners, in like manner as such select committee might have done if no such proceedings had been had by or before such commissioners, and without directing any warrant to the chairman of the said commissioners, and without ordering or directing the said commissioners to re-assemble: provided always, that such select committee shall, in all other respects, proceed to try the merits of such petition, in manner directed by the said recited act, and shall determine on all such matters and things as shall have been tried and examined by the said commissioners from the written minutes of the evidence and proceedings before the said commissioners, and from the inspection of such books, papers, records, and documents, so far only as may relate to such evidence and proceedings; but such select committee shall not call for, or receive in evidence, any extracts from such books, papers, records, or documents, other than such as were received and produced before such commissioners, nor to any point or matter not in issue before such commissioners.

47 Geo. 3. c.  
14. U. K.

without re-  
assembling the  
commissioners;

committee to  
try merits of  
petition as di-  
rected by re-  
cited act, and  
to determine  
on such mat-  
ters as have  
been tried be-  
fore commis-  
sioners from  
written mi-  
nutes of evi-  
dence and pro-  
ceedings be-  
fore them, and  
and from in-  
spection of  
books, &c. re-  
lating thereto.  
That evi-  
dence commit-  
tee confined.

§ 6. And be it further enacted, that the clerk to be appointed by any commissioners for the purpose of examining matters and things referred to them by any select committee, under the said recited act, shall, from time to time, make or cause to be made true copies of the minutes of all proceedings before such commissioners, and of all such evidence as shall be

Clerk to com-  
missioners to  
be paid 3d. per  
sheet only for  
copies of mi-  
nutes and evi-  
dence.  
(42 Geo. 3. c.  
106. § 23.)  
(See § 7. post.)

The Stat. 47 Geo. 3. sess. 2. c. 20. U. K.

*An Act to enable His Majesty to appoint the Chancellor of the Exchequer, for the Time being, in Ireland, one of the Commissioners for executing the Office of Lord High Treasurer in England, without Salary.*

[1st Aug. 1807.]

(§ 1. RECITES the stat. 6 Anne, c. 7. and authorizes his majesty to appoint the chancellor of the exchequer of *Ireland* to be a lord of the treasury in *England*, without salary, notwithstanding recited act.)

Appointment of chancellor of exchequer of *Ireland* to be lord of the treasury in *England*, without salary, not to be deemed an appointment to a new office or place of profit;

not to render him incapable of sitting in parliament, or to make void his election.

§ 3. And be it enacted and declared, that the said appointment of the chancellor of the exchequer of *Ireland*, to be a lord commissioner of the treasury in *England*, shall not be deemed or taken to be an appointment to a new office or place of profit under the crown; and that the chancellor of the exchequer of *Ireland* for the time being, so being one of the said lords commissioners of the treasury, shall not thereby be disabled from sitting or voting as a member of the house of commons, nor shall he thereby be rendered incapable of being elected a member of the house of commons; nor shall the appointment of such chancellor of the exchequer to be such lord commissioner, make void his election, nor shall any new writ issue for a new election, in consequence of the acceptance of such appointment, any thing in the said recited act, or any other act, to the contrary notwithstanding.



The Stat. 48 Geo. 3. c. 140. U. K.

*An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of Dublin Metropolis.*  
[30th June, 1808.]

(§ 4. AUTHORIZES the appointment of eighteen divisional magistrates for the district, of whom twelve to be appointed by the lord-lieutenant, of which twelve, six to be barristers. The lord-lieutenant is also to appoint a receiver of the public offices in the police district of *Dublin metropolis*.)

(By § 5. and 6. the remaining six divisional magistrates are to be elected by the corporation of *Dublin*; the persons to be elected to be three aldermen and three sheriffs-peers.)

§ 14. And be it enacted, that the said divisional justices and receiver, and all other persons holding any office in or under the said police establishment, shall be incapable of being chosen members of or sitting in the house of commons, in any parliament, during such time as they shall hold the said offices respectively; and that no barrister who shall be appointed or elected a divisional justice under this act, shall, while he shall hold the said office, practice as a barrister in any court whatever, or do any business as a barrister out of court, in drawing deeds or pleadings in law or in equity, or any

Divisional justices and receiver incapable of sitting in the house of commons.

48 Geo. 3. c.  
140. U. K.

draft or drafts thereof respectively, or in giving any opinion or opinions, or otherwise; and if any such barrister shall offend herein, he shall, for every such offence, forfeit the sum of five hundred pounds sterling.

No officer under this act (except the divisional justices who shall be aldermen, sheriffs-peers, or common councilmen), during the time he is in office, nor within six months afterwards, to vote at elections for members of parliament for the county or city of *Dublin*, nor to persuade or dissuade electors in voting, on penalty of 100*l*.

§ 15. And be it further enacted, that no barrister or other officer or person nominated or appointed by or under this act (except the said divisional justices who shall be aldermen, sheriffs-peers, or common councilmen), shall, during the time he shall continue in his office, or within six months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in parliament for the county of *Dublin*, or the city of *Dublin*, respectively, nor shall by word, message, writing, or in any other manner, endeavour to persuade any elector to give, or dissuade any elector from giving his vote for his choice of any person to be a member to serve in parliament for the said county and city of *Dublin* respectively; and every such officer or person as aforesaid, offending therein, shall forfeit the sum of one hundred pounds, one moiety thereof to the informer, and the other moiety to be paid to the said receiver of the said public offices, to be applied to the uses of the said establishment; to be recovered by any person that shall sue for the same, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at *Dublin*, in which no essoign, protection, privilege, wager of law, nor more than one imparlance, shall be allowed, such action to be brought within the space of one year after such offence so committed: Provided always, that nothing in this act shall extend, or be construed to extend, to subject such officer or person as afore-

said, to any penalty or penalties, for any act or acts done by him, at or concerning any of the said elections, in discharge of his duty or duties in his respective capacity.

48 Geo. 3. c.  
140. U. K.

act not to extend to acts done in discharge of duty.

The Stat. 49 Geo. 3. c. 120. U. K.

*An Act for amending, and reducing into one Act of Parliament, the several Laws for raising and training the Militia of Ireland.*  
[19th June, 1809.]

§ 34. AND be it further enacted, that the acceptance of any commission, in any regiment or battalion of the said militia, shall not, nor shall be construed to vacate the seat of any member returned to serve in parliament.

Commission in militia not to vacate seat in parliament.

§ 62. Provided always, and be it enacted, that any officer, or non-commissioned officer, of the militia, or private militia-man, having voice or vote at any election to be held in *Ireland*, for any member or members to serve in parliament, shall, if he or they shall require, have leave for a reasonable time, to be expressed in such leave, to go to and return from such election; and no such officer, non-commissioned officer, or private, shall be liable to any penalty or punishment, for or on account of his absence, during the time expressed in such leave.

Persons in militia having votes, &c. to have leave of absence to go to elections.

The Stat. 51 Geo. 3. c. 77. U. K.

*An Act to amend the Laws for regulating the Election, in Ireland, of Members to serve in Parliament.*

[15th June, 1811.]

45 Geo. 3. c.  
59.

“ WHEREAS by an act made in the forty-fifth  
“ year of his present majesty’s reign, intituled,  
“ ‘ *An act for amending an act passed in the*  
“ *parliament of Ireland, in the thirty-fifth year*  
“ *of his present majesty, for regulating the*  
“ *election of members to serve in parliament,*  
“ *so far as relates to freeholds under the value*  
“ *of twenty pounds, and for making further*  
“ *and other regulations relating thereto,*’ it is  
“ among other things enacted, that every per-  
“ son who shall register a freehold under the  
“ yearly value of twenty pounds, not arising  
“ from a rent-charge, shall register the same  
“ twelve months previous to the test of the  
“ writ for holding the election at which he shall  
“ tender his vote in manner and form required  
“ by the said act; and for that purpose he shall  
“ produce in open court, at a session of the  
“ peace, the deed, lease, or instrument, under  
“ which his freehold arises, and take and sub-  
“ scribe the oath, or, if a quaker, the affirma-  
“ tion, in form prescribed in the said act: And  
“ whereas doubts have arisen as to the words to  
“ be used in certain parts of such oath or affirm-  
“ ation respectively; for the obviating of all  
“ such doubts,” be it enacted, by the king’s  
most excellent majesty, by and with the advice

and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every oath or affirmation which shall have been made at any time before the passing of this act, or which shall be made at any time after the passing of this act, for the purpose of registering his freehold as aforesaid, shall be, and the same is hereby declared to be good, valid, sufficient and effectual in law, if the party making such oath or affirmation shall have stated, or shall state, in such oath or affirmation, that his freehold arises either by virtue of a deed, or by virtue of a lease, or by virtue of an instrument produced by him, or by virtue of a deed, lease, or instrument produced by him, whether all or any or either of the said terms, deed, lease, or instrument are used in such oath or affirmation; and that every such oath or affirmation shall be good, valid, sufficient and effectual in law, in which either the whole yearly rent or the yearly rent *per* acre, or such yearly rent *per* acre, together with the number of acres, shall be stated; and whether the amount of receiver's fees and duties is or is not included in the specified amount of such rent, or whether the sums have been or shall be set forth in figures or in words at length; and that every such oath or affirmation shall be good, valid, sufficient and effectual in law, in which the actual occupation of such freehold shall be stated to be either by residing thereon, or by tilling or by grazing, or by both tilling and grazing, or by all or any or either of the said means, whether stated copulatively or disjunctively.

51 Geo. 3. c.  
77. U. K.

Oaths respecting registry of freeholders declared valid, stated in manner herein mentioned.

51 Geo. 3. c.  
77. U. K.

Term of twelve  
months deemed  
twelve calen-  
dar months.

Papists taking  
oaths, &c. un-  
der Irish acts  
13 & 14, and  
33 Geo. 3. en-  
titled to vote  
as under 37  
Geo. 3.

(13 & 14 Geo.  
3. c. 33. Irish,  
ante, cccxvi.)

(33 Geo. 3. c.  
21. Irish, ante,  
cccxi.)

(37 Geo. 3. c.  
47. Irish, ante,  
ccclxxix.)

§ 2. "And whereas doubts have arisen whether  
"by the said recited term of twelve months is  
"meant calendar or lunar months;" be it de-  
clared and enacted, that the said term of twelve  
months shall be deemed and taken to mean  
twelve calendar months.

§ 3. And be it further enacted, that any pa-  
pist, or person professing the Roman catholic re-  
ligion, who at any time before the passing of  
this act shall have taken and subscribed, or who  
after the passing of this act shall take and sub-  
scribe, at any time previous to his offering to  
poll at any election, the oaths and declarations  
contained in an act, passed in the thirteenth and  
fourteenth years of his present majesty's reign,  
intituled, "*An act to enable his majesty's sub-  
jects, of whatever persuasion, to testify their  
allegiance to him,*" and also an act passed in  
the thirty-third year of his present majesty's  
reign, intituled, "*An act for the relief of his  
majesty's popish or Roman catholic subjects  
in Ireland,*" in some one of his majesty's four  
courts in the city of *Dublin*, or at any assizes,  
or at a general sessions of the peace, or at any  
adjournment thereof, or at any adjournment of  
an adjournment thereof, to be holden for any  
county, city, or town wherein such papist, or  
person professing the Roman catholic religion,  
doth or shall inhabit or dwell, in open court, or  
at any election in manner herein provided, shall  
be entitled to vote at such election in like man-  
ner as if he had taken and subscribed such oath  
and declaration in manner and at the time re-  
quired by an act, made in the parliament of  
*Ireland* in the thirty-seventh year of his present  
majesty's reign, intituled, "*An act for the fur-*

*“ther regulation of the election of members to  
“serve in parliament.”*

51 Geo. 3. c.  
77. U. K.

§ 4. “And, in order that any person desirous of  
“taking and subscribing such oaths and declara-  
“tions at any election may have an opportunity  
“of so doing;” be it enacted, that from and after  
the passing of this act, when a poll shall be de-  
manded at any election of a member or mem-  
bers to serve in parliament for any county, city,  
town, or borough in *Ireland*, the returning of-  
ficer or officers at any such election, after such  
poll shall be demanded, shall, at the instance and  
request of any candidate or candidates at such  
election, under his or their hand or hands im-  
mediately after such request, and before he or  
they shall proceed further in taking the poll,  
retain, nominate, and appoint two or more jus-  
tices of the peace (as the case may require) to  
administer the oaths and declarations required in  
and by the said hereinbefore recited acts, in  
some convenient part of the court or place  
where such election shall be carrying on, so as  
not to interrupt the poll; and the clerk of the  
peace, or a deputy by him appointed, by writing  
under his hand for that purpose, shall attend  
such persons during the administration of such  
oaths and declarations, and shall give to every  
person so taking and subscribing such oaths and  
declarations a certificate thereof, in manner re-  
quired by the said recited acts, and the persons  
to be appointed as aforesaid shall have full  
power, and they are hereby authorized and re-  
quired, to administer all and every such oaths  
and declarations to every person desirous of  
taking and subscribing the same; and every  
such person so appointed as aforesaid, shall,

When poll de-  
manded at any  
election, re-  
turning officer,  
on request of  
candidate, to  
appoint two or  
more justices  
of peace to ad-  
minister oaths,  
at place of  
election.

Clerk of the  
peace to give  
a certificate  
thereof to per-  
sons applying.

51 Geo. 3. c.  
77. U. K.

immediately after such appointment, and before he shall take upon him to act under such appointment, take the following oath; that is to say,

Oath to be  
taken by per-  
sons admin-  
istering oaths.

“ I, do swear, that I will  
“ faithfully and impartially administer the oaths  
“ and declarations now required to be taken and  
“ subscribed by papists or persons professing  
“ the Roman catholic religion, by an act passed  
“ in the thirteenth year of his present majesty’s  
“ reign, intituled, ‘ *An act to enable his majes-*  
“ *ty’s subjects, of whatever persuasion, to*  
“ *to testify their allegiance to him;*’ and also  
“ another act, passed in the thirty-third year of  
“ his present majesty’s reign, intituled, ‘ *An act*  
“ *for the relief of his majesty’s popish or Ro-*  
“ *man catholic subjects in Ireland.*’ ”

And every clerk of the peace or his deputy so appointed for the purpose as aforesaid, shall at the same time take the following oath; that is to say,

Oath to be  
taken by the  
clerk of the  
peace, or de-  
puty.

“ I, do swear, that I will,  
“ on being thereunto requested, fairly and truly  
“ give to every person who shall now take and  
“ subscribe the oaths and declarations required  
“ by law to be taken by persons professing the  
“ Roman catholic religion, in order to entitle  
“ them to vote at any election, before the  
“ commissioners appointed by the returning  
“ officer for that purpose, a certificate thereof  
“ as required by law; and that I will not give  
“ any such certificate to any person before  
“ he shall have taken and subscribed such  
“ oaths and declarations as shall be mentioned



“ in such certificate, before me, and in my pre-  
“ sence.”

51 Geo. 3. c.  
77. U. K.

Which oath, to be taken by the several persons respectively so to be appointed, the returning officer or officers, or any of them, is and are hereby authorized and required to administer.

§ 5. “ And whereas by the said recited act of the  
“ thirty-third year of his present majesty’s reign,  
“ it is enacted, that the names of such persons  
“ who shall so take and subscribe the said oaths  
“ and declarations, with their titles and additions,  
“ shall be entered upon rolls for that purpose to  
“ be appointed by the said respective courts; and  
“ that the said rolls shall be transmitted to and  
“ deposited in the rolls office in the city of *Dub-*  
“ *lin*, to remain amongst the records thereof:”  
be it therefore enacted, that the officer of the  
court where such oaths and declarations shall  
have been taken and subscribed, shall, on or  
before the first day of *January*, one thousand  
eight hundred and twelve, transmit to the said  
office of the rolls all such rolls as shall not have  
been duly transmitted before the passing of this  
act; and that such officer shall also, within  
fourteen days after the first day of *January*  
in each and every subsequent year, transmit to  
the said office of the rolls, all rolls containing  
the names, titles, and additions of all persons  
who shall have taken and subscribed such oaths  
and declarations, which shall remain in the office  
of such court previous to such first day of *Janu-*  
*ary* in each year.

Proper officer  
of the court to  
transmit to the  
office of rolls,  
rolls containing  
names, &c. of  
persons taking  
such oaths, &c.

§ 6. And be it further enacted, that such of-  
ficer shall, previous to his transmitting such rolls

Officer to en-  
ter in a book,  
names, &c. of

51 Geo. 3. c.  
77. U. K.

such persons  
contained in  
such rolls, and  
such book to  
be open to in-  
spection, &c.

Persons taking  
and subscrib-  
ing oaths and  
declarations,  
and demanding  
a certificate  
thereof, if his  
name and resi-  
dence be upon  
the book, and  
he verify upon  
oath his having  
taken such  
oaths, may  
have a certi-  
ficate.

If vote refused  
on account of  
invalidity of  
such certi-  
ficate, the per-  
son allowed a  
new one, on  
demand, &c.

and to be per-  
mitted to poll  
on producing  
the same.

as aforesaid to the rolls office, justly and truly enter in a book, in alphabetical order, the names, residence, and additions of all persons whose names shall be entered in such rolls, and such book shall be open to the inspection of any person requiring to see the same, on paying to such officer a fee of two shillings and sixpence; and in case any person who shall have taken and subscribed, or who shall hereafter take and subscribe such oaths and declarations in such court, shall, at any time after the passing of this act, be desirous of obtaining a certificate thereof, and shall demand the same from such officer; and if upon reference to such book, it shall appear that the name, with the residence of such person, is contained therein, and that such person so demanding a certificate shall verify on oath that he actually did at any former time take and subscribe such oaths and declarations in such court, then such officer shall on demand give to such person a certificate thereof in manner required by the recited act.

§ 7. And be it further enacted, that if the vote of any person to whom such certificate shall be given, shall be refused on account of the invalidity of any such certificate, as not being in the form required by law, it shall and may be lawful for such person or persons to demand from the clerk of the peace, his deputy, or other proper officer, a new and sufficient certificate in the form required by law, on paying to such officer a fee of one shilling; and such person shall be permitted to poll (if in all other respects duly qualified) upon producing such new certificate, notwithstanding such former refusal.

§ 8. And be it further enacted, that every such officer of court who shall neglect or omit to transmit in manner and within the time required as aforesaid, the said rolls to the rolls office, or who shall refuse or neglect to make such alphabetical lists, or who shall omit from such alphabetical list the name of any person entered on such rolls and entitled to any such certificate as aforesaid, or who shall insert in such alphabetical list the name of any person not so entered and entitled, or who shall refuse or neglect to give any certificate herein required to be given, shall, for every such offence, forfeit the sum of one hundred pounds; to be recovered by bill, plaint, or information, in any of his majesty's courts of record in *Dublin*.

51 Geo. 3. c.  
77. U. K.

Penalty on  
officer of court  
neglecting to  
transmit rolls  
or make out  
lists, &c. 100*l*.

END OF THE FIRST VOLUME.

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§ 8. And be it further enacted, that every such officer of court who shall neglect or omit to transmit in manner and within the time required as aforesaid, the said rolls to the rolls office, or who shall refuse or neglect to make such alphabetical lists, or who shall omit from such alphabetical list the name of any person entered on such rolls and entitled to any such certificate as aforesaid, or who shall insert in such alphabetical list the name of any person not so entered and entitled, or who shall refuse or neglect to give any certificate herein required to be given, shall, for every such offence, forfeit the sum of one hundred pounds; to be recovered by bill, plaint, or information, in any of his majesty's courts of record in *Dublin*.

51 Geo. 3. c.  
77. U. K.

Penalty on  
officer of court  
neglecting to  
transmit rolls  
or make out  
lists, &c. 100*l*.

# ACTS

RELATING TO

## CONTROVERTED ELECTIONS.

The Stat. 10 Geo. 3. c. 16.

*An Act to regulate the Trials of controverted Elections or Returns of Members to serve in Parliament.*

On complaint of undue election or return, day and hour to be appointed for considering thereof.

“ WHEREAS the present mode of decision  
 “ upon petitions, complaining of undue elections  
 “ or returns of members to serve in parliament,  
 “ frequently obstructs public business; occa-  
 “ sions much expence, trouble, and delay to the  
 “ parties; is defective, for want of those sanc-  
 “ tions and solemnities which are established  
 “ by law in other trials; and is attended with  
 “ many other inconveniences:” For remedy  
 thereof, be it enacted, by the king’s most excel-  
 lent majesty, by and with the advice and con-  
 sent of the lords spiritual and temporal, and  
 commons, in this present parliament assembled,  
 and by the authority of the same, that after the  
 end of the present session of parliament, when-  
 ever a petition, complaining of an undue elec-  
 tion or return of a member or members to serve  
 in parliament, shall be presented to the house  
 of commons, a day and hour shall, by the said  
 house, be appointed for taking the same into  
 consideration; and notice thereof in writing



shall be forthwith given, by the speaker, to the petitioners, and the sitting members, or their respective agents, accompanied with an order to them to attend the house, at the time appointed, by themselves, their counsel, or agents.

10 Geo. 3. c. 16.

Speaker to give notice thereof, to the parties, or their agents, and order their attendance.  
(See post, 11 Geo. 3. c. 42.)

§ 2. Provided always, that no such petition shall be taken into consideration within fourteen days after the appointment of the committee of privileges (a).

§ 3. Provided also, that the house may alter the day and hour so appointed for taking such petition into consideration, and appoint some subsequent day and hour for the same as occasion shall require; giving to the respective parties the like notice of such alteration, and order to attend on the said subsequent day and hour, as aforesaid.

House may alter the day and hour, on like notice and order.

§ 4. And be it further enacted, that at the time appointed for taking such petition into consideration, and previous to the reading the order of the day for that purpose, the serjeant at arms shall be directed to go with the mace to the places adjacent, and require the immediate attendance of the members on the business of the house; and that after his return the house shall be counted, and if there be less than one hundred members present, the order for taking such petition into consideration shall be immediately adjourned to a particular hour on the following day, *Sunday and Christmas-*

At the time appointed, serjeant at arms, before the reading of the order of the day, to go to the places adjacent, and require the attendance of the members. At his return, house to be counted. If there be less than 100 members, to adjourn,  
(See post, 36 Geo. 3. c. 59. § 1. and the stat. there cited.)

(a) This clause is repealed by the 11 Geo. 3. c. 42. substituting another pro-

vision in its stead.  
(See post, ccccxii.)

10 Geo. 3. c. 16. *day* always excepted; and the house shall then  
 (See 28 Geo. 3. c. 52. § 10.) adjourn to the said day; and the proceedings of  
 all committees subsequent to such notice from  
 the said serjeant, shall be void; and, on the  
 said following day, the house shall proceed in  
 the same manner; and so, from day to day,  
 till there be an attendance of one hundred  
 members at the reading of the order of the  
 day, to take such petition into considera-  
 tion.

and so proceed  
 from day to  
 day, till 100 be  
 present.

If 100 members  
 present, the pe-  
 titioners, by  
 themselves,  
 counsel, or  
 agents, and the  
 counsel or  
 agents for the  
 sitting mem-  
 bers, to be or-  
 dered to attend  
 at the bar, door  
 to be locked,  
 and no member  
 to depart,  
 (see post, § 13.)

§ 5. And be it further enacted, that if after  
 summoning the members, and counting the  
 house as aforesaid, one hundred members shall  
 be found to be present, the petitioners, by them-  
 selves, their counsel, or agents, and the counsel  
 or agents of the sitting members, shall be or-  
 dered to attend at the bar, and then the door of  
 the house shall be locked, and no member shall  
 be suffered to enter into or depart from the  
 house until the petitioners, their counsel, or  
 agents, and the counsel or agents for the sitting  
 members, shall be directed to withdraw, as here-  
 inafter is mentioned; and when the door shall  
 be locked, as aforesaid, the order of the day  
 shall be read, and the names of all the members  
 of the house, written or printed on distinct  
 pieces of parchment or paper, being all as near  
 as may be of equal size, and rolled up in the  
 same manner, shall be put in equal numbers into  
 six boxes or glasses, to be placed on the table  
 for that purpose, and shall there be shaken to-  
 gether; and then the clerk, or clerk assistant  
 attending the house, shall publicly draw out of  
 the said six boxes or glasses, alternately, the  
 said pieces of parchment or paper, and deliver  
 the same to the speaker, to be by him read to

Names of the  
 members to be  
 put into six  
 boxes or  
 glasses; to be  
 drawn by clerk,  
 &c. alternately  
 out of each box,  
 and read by the  
 speaker, till 49  
 be drawn.

the house ; and so shall continue to do, until <sup>10 Geo. 3. c. 16.</sup> forty-nine names of the members then present be drawn.

§ 6. Provided always, that if the name of any member who shall have given his vote at the election so complained of as aforesaid, or who shall be a petitioner complaining of an undue election or return, or against whose return a petition shall be then depending, or whose return shall not have been brought in fourteen days, shall be drawn ; his name shall be set aside, with the names of those who are absent from the house.

Names of members having voted at the election complained of, or being petitioners against undue elections, or against whose return petitions are depending, or whose return not brought in 14 days, if drawn, to be set aside.

§ 7. Provided also, that if the name of any member of sixty years of age or upwards be drawn, he shall be excused from serving on the select committee, to be appointed as hereinafter is mentioned, if he require it, and verify the cause of such requisition upon oath.

All members above 60 years old to be excused, if they require it, so verifying upon oath ;

§ 8. Provided also, that if the name of any member who has served on such select committee during the same session be drawn, he shall, if he requires it, be excused from serving again in any such select committee, unless the house shall, before the day appointed for taking the said petition into consideration, have resolved, that the number of members who have not served on such select committee, in the same session, is insufficient to fulfil the purposes of this act, respecting the choice of such select committee.

also those who have served on select committees in the same session,

unless the number who have not served be insufficient.

§ 9. Provided always, that no member, who after having been appointed to serve in any such select committee shall, on account of inability or accident, have been excused from

Members excused, &c. from inability or accident, shall not be deemed to have served.

10 Geo. 3. c. 16. attending the same throughout, shall be deemed to have served on any such select committee.

Members verifying upon oath other excuses, allegation to be entered on journals, and the opinion of the house taken thereon.

And if the house resolve that they are unable, &c. such members are to be excused.

Instead of whom, others to be drawn to complete the number 49, &c.

Petitioners may name one, and sitting members another, from among the members present whose names not drawn, to be added to those chosen.

Who may, for like causes, be set aside, or excused; in which case, the party no-

§ 10. And be it further enacted, that if any other member shall offer and verify upon oath any other excuse, the substance of the allegations so verified upon oath shall be taken down by the said clerk, in order that the same may be afterwards entered on the journals, and the opinion of the house shall be taken thereon; and if the house shall resolve, that the said member is unable to serve, or cannot without great and manifest detriment serve, in such select committee, he also shall be excused from such service.

§ 11. And be it further enacted, that instead of the members so set aside and excused, the names of other members shall be drawn; who may, in like manner, be set aside or excused, and others drawn to supply their places, until the whole number of forty-nine members, not liable to be so set aside or excused, shall be complete; and the petitioners, or their agents, shall then name one, and the sitting members, or their agents, another, from among the members then present, whose names shall not have been drawn, to be added to those who shall have been so chosen by lot (a).

§ 12. Provided always, that either of the members so nominated shall or may be set aside, for any of the same causes as those chosen by lot; or shall, if he requires it, be excused from serving on the said select committee; and the

(a) See *post*, § 15; also 11 c. 14. § 14. and 42 Geo. 3. c. Geo. 3. c. 15. § 6. 26 Geo. 3. 84. § 4.

party who nominated the member so set aside or excused, shall nominate another in his stead, and so continue to do as often as the case shall happen, until his nominee is admitted.

10 Geo. 3. c. 16.

minating to  
nominate an-  
other.

§ 13. And be it further enacted, that as soon as the said forty-nine members shall have been so chosen by lot, and the two members to be added thereunto shall have been so nominated as aforesaid, the door of the house shall be opened, and the house may proceed upon any other business; and lists of the forty-nine members so chosen by lot shall then be given to the petitioners, their counsel, or agents, and the counsel or agents for the sitting members, who shall immediately withdraw, together with the clerk appointed to attend the said select committee; and the said petitioners and sitting members, their counsel or agents, beginning on the part of the petitioners, shall alternately strike off one of the said forty-nine members, until the said number shall be reduced to thirteen; and the said clerk, within one hour at farthest from the time of the parties withdrawing from the house, shall deliver in to the house the names of the thirteen members then remaining; and the said thirteen members, together with the two members nominated as aforesaid, shall be sworn at the table (a), well and truly to try the matter of the petition referred to them, and a true judgment to give according to the evidence; and shall be a select committee to try and determine the merits of the return or election appointed by the house to be that day taken into consideration; and the house shall order the said select committee to meet at

When the 49 members are chosen, and the two nominees added, the door to be opened, and the house may proceed on other business.

Lists of the 49 to be then given to the petitioners, their counsel, or agents, and those of sitting members, who, with the clerk, are to withdraw.

Petitioners and sitting members alternately to strike off one, till the number be reduced to 13; clerk, within one hour, to deliver a list of the 13;

and they, with the two nominees, shall be sworn, &c. and shall be a select committee, to try the merits of the return or election appointed by the house to be that day taken into consideration;

(a) See *post*, § 29.

10 Geo. 3. c. 16.

house to order them to meet within 24 hours, unless a Sunday or Christmas-day shall intervene. Place of their meeting to be adjacent to the house, &c.

a certain time to be fixed by the house, which time shall be within twenty-four hours of the appointment of the said select committee, unless a *Sunday* or *Christmas-day* shall intervene; and the place of their meeting and sitting shall be some convenient room or place adjacent to the house of commons, or court of requests, properly prepared for that purpose.

On withdrawing, the 51 members not to depart till the meeting of committee be fixed.

§ 14. Provided always, that on the parties withdrawing as aforesaid, the house shall continue sitting; and the said fifty-one members, so chosen and nominated, shall not depart the house till the time for the meeting of the said select committee shall be fixed.

Either party declaring that any member drawn is intended for their nominee,

and member consenting thereto, his lot to be set aside, and he is to serve as nominee, and another to be drawn to supply his place;

but on neglect of nomination,

deficiency to be supplied by lot;

§ 15. Provided always, and be it further enacted, that if upon the drawing out of the name of any member by lot, as aforesaid, the said petitioners or sitting members, or their agents, shall declare, that such member is intended to be one of the two nominees to be nominated by them respectively, and if such member shall consent to such nomination, the name of such member so drawn by lot shall be set aside, and, unless objected to as aforesaid, he shall serve as such nominee, and the name of another member shall be drawn to supply his place, to complete the number of forty-nine members to be drawn by lot; and if the said petitioners or sitting members, or their agents, shall not respectively nominate a member then present, who shall be admitted according to the directions of this act, then the want of such nomination shall be supplied, by drawing out, instead thereof, the name of one or two mem-

bers, as the case shall require; who shall be drawn by lot in the like manner, and subject to the like objections and excuses as the other forty-nine members already drawn by lot, and shall be added to the lists of the said forty-nine members, and shall be liable to be struck off in the same manner; leaving always the number of fifteen members in the whole, and no more, as a select committee, for the purposes aforesaid.

10 Geo. 5. c. 16.

member drawn subject to like objections and excuses as in case of the other 49; or he may be struck off, leaving always 15 as a select committee.

§ 16. And, for the greater dispatch and certainty in the proceeding hereinbefore described, be it further enacted, that the names of all the members so written and rolled up as hereinbefore directed, shall, previous to the day appointed for taking any such petition into consideration, be prepared by the said clerk, or clerk assistant, and by him put into a box or parcel, in the presence of the speaker, together with an attestation, signed by the said clerk, or clerk assistant, purporting, that the names of all the members were by him put therein the

Previous to taking petition into consideration,

clerk to put the names of all the members into a box or parcel, in the presence of the speaker, and attest the same;

day of in the year

which said box or parcel the speaker shall seal with his own seal; and to the outside thereof shall annex an attestation, signed by himself, purporting, that the said box or parcel was on the day of

speaker to seal the same, and attest the making up thereof in his presence.

in the year made up in his presence, in the manner directed by this act; and that as soon as the parties shall be withdrawn as aforesaid, and before the house shall enter on any other business, any member may require, that the names of all the members, which remain undrawn, shall be drawn, and read aloud by the said clerk or clerk assistant.

Any member may require that the names of members undrawn may be read by the clerk.



10 Geo. 3. c. 16.

Committee to elect a chairman out of members chosen by lot; and in case of equality in election, member first drawn to have a casting voice. So in case of electing a new chairman, by death or necessary absence of the first.

Select committee empowered to send for persons, papers, and records, examine witnesses upon oath, try the merits, and determine finally, by majority of voices, whether petitioners or sitting members duly returned, or whether election void; their determination to be final between the parties; house to cause an entry thereof upon their journals, and give necessary directions.

Select committee not to adjourn for more than 24 hours, unless for a Sunday or

§ 17. And be it further enacted, That the said select committee shall, on their meeting, elect a chairman from among such of the members thereof as shall have been chosen by lot; and if in the election of a chairman, there be an equal number of voices, the member whose name was first drawn in the house shall have a casting voice; so likewise, in case there should ever be occasion for electing a new chairman, on the death, or necessary absence of the chairman first elected.

§ 18. And be it further enacted, that the said select committee shall have power to send for persons, papers, and records; and shall examine all the witnesses who shall come before them upon oath (*a*); and shall try the merits of the return, or election, or both; and shall determine, by a majority of voices of the said select committee, whether the petitioners or the sitting members, or either of them, be duly returned or elected, or whether the election be void; which determination shall be final between the parties to all intents and purposes; and the house, on being informed thereof by the chairman of the said select committee, shall order the same to be entered in their journals, and give the necessary directions for confirming or altering the return, or for the issuing a new writ for a new election, or for carrying the said determination into execution, as the case may require.

§ 19. And be it further enacted, that the said select committee shall sit every day (*Sunday* and *Christmas-day* (*b*) only excepted) and shall never adjourn for a longer time than twenty-

(*a*) See *post*, § 29.

(*b*) See 28 Geo. 3. c. 52. § 10.



four hours, unless a *Sunday* or a *Christmas-day* intervene, without leave first obtained from the house, upon motion, and special cause assigned for a longer adjournment; and in case the house shall be sitting at the time to which the said select committee is adjourned, then the business of the house shall be stayed, and a motion shall be made for a further adjournment, for any time to be fixed by the house, not exceeding twenty-four hours, unless a *Sunday* or *Christmas-day* intervene.

10 Geo. 3. c. 16.

Christmas-day, without leave on motion, and special cause; if house then sitting, business to be stayed, and motion made for further adjournment, not exceeding 24 hours.

§ 20. And be it further enacted, that where the time prescribed by this act for the meeting, sitting, or adjournment of the said select committee, shall, by the intervention of a *Sunday* or *Christmas-day*, exceed twenty-four hours, such meeting, sitting, or adjournment, shall be within twenty-four hours from the time of appointing or fixing the same, exclusive of such *Sunday* or *Christmas-day*.

Sunday or Christmas-day intervening, not to be included. (See 28 Geo. 3. c. 52. § 10.)

§ 21. And be it further enacted, that no member of the said select committee shall be allowed to absent himself from the same, without leave obtained from the house, or an excuse allowed by the house at the next sitting thereof, on special cause shewn and verified upon oath; and the said select committee shall never sit, until all the members to whom such leave has not been granted, nor excuse allowed, are met; and in case they shall not all meet within one hour after the time to which the said select committee shall have been adjourned, a further adjournment shall be made in the manner as before directed, and reported, with the cause thereof, to the house.

No member of select committee to be absent without leave, or excuse allowed by the house at the next sitting, on special cause, verified on oath. Committee not to sit, till all, who have not such leave, be met. On failure of all meeting within one hour of time, &c. a further adjournment to be made, and reported, with the cause, to the house.

10 Geo. 3. c. 16.

Chairman, at next meeting of the house, to report absentees,

who are to be directed to attend next sitting of the house, and to be taken into custody, and be censured or punished at discretion of the house, unless absence proved on oath to have been unavoidable.

§ 22. And be it further enacted, That the chairman of the said select committee shall, at the next meeting of the house, always report the name of every member thereof who shall have been absent therefrom without such leave or excuse as aforesaid; and such member shall be directed to attend the house at the next sitting thereof, and shall then be ordered to be taken into the custody of the serjeant at arms attending the house, for such neglect of his duty, and otherwise punished or censured at the discretion of the house; unless it shall appear to the house, by facts specially stated and verified upon oath, that such member was, by a sudden accident, or by necessity, prevented from attending the said select committee.

If 13 do not attend, committee to adjourn.

(See 28 Geo. 3. c. 52. § 17.)

§ 23. And be it further enacted, that if more than two members of the said select committee shall on any account be absent therefrom, the said select committee shall adjourn in the manner hereinbefore directed; and so, from time to time, until thirteen members are assembled.

If committee reduced to less than 13, and so continue for three sitting days, then to be dissolved, and another chosen; (See post, 28 Geo. 3. c. 52 § 17.) and past proceedings to be void.

§ 24. And be it further enacted, that in case the number of members able to attend the said select committee shall, by death or otherwise, be unavoidably reduced to less than thirteen, and shall so continue for the space of three sitting days, the said select committee shall be dissolved, and another chosen to try and determine the matter of such petition in manner aforesaid; and all the proceedings of the said former select committee shall be void, and of no effect (a).

(a) Stat. 25 Geo. 3. c. 17. “ commons to authorize the  
“ An act to enable the house of “ select committee, appointed

§ 25. And be it further enacted, that if the said select committee shall come to any resolution other than the determination above mentioned, they shall, if they think proper, report the same to the house for their opinion, at the

10 Geo. 3. c. 16.

Resolutions of committee, other than determinations such as aforesaid, (see ante,

“ to try the merits of the petition of the honourable Saint Andrew Saint John, complaining of an undue election for the county of Bedford, to proceed in case the said select committee shall be reduced to a less number than is prescribed by an act, made in the tenth year of the reign of his present majesty, intituled, *An act to regulate the trials of controverted elections, or returns of members to serve in parliament.*”

“ Whereas the select committee appointed to try and determine the merits of the petition of the honourable Saint Andrew Saint John, complaining of an undue election and return for the county of Bedford, have made a considerable progress in the matters to them referred, but are now, by the indisposition of two of the members of the said select committee, reduced to thirteen; and if the said committee should be further reduced, by the indisposition or death of any of the members remaining on the said select committee, the same would be dissolved, which would be attended with manifest injury

“ and inconvenience to the parties concerned:” “ Be it therefore enacted by the king’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That if the said select committee shall, by the indisposition or death of any of the said members of the said select committee, be further reduced to eleven, it shall be lawful for the house of commons, upon application made to them for that purpose, to authorize and direct the said select committee to proceed in the matters referred to them, and report upon the same; which report shall be deemed to be as valid as if the number of the said select committee had not been reduced to eleven; any thing in an act made in the tenth year of his present majesty, intituled, *An act to regulate the trials of controverted elections, or returns of members to serve in parliament*, to the contrary thereof in any wise notwithstanding.”

10 Geo. 3. c. 16.

§ 18.) may be reported to the house, &c. and the house may make order thereon.

same time that the chairman of the said select committee shall inform the house of such determination; and the house may confirm or disagree with such resolution, and make such orders thereon, as to them shall seem proper.

Persons disobeying summons, or witness prevaricating, or misbehaving in giving, or refusing to give evidence, may, by direction of the committee, be reported by the chairman to the house, &c.

§ 26. Provided always, that if any person summoned by the said select committee, shall disobey such summons, or if any witness before such select committee shall prevaricate, or shall otherwise misbehave in giving, or refusing to give evidence, the chairman of the said select committee, by their direction, may, at any time, during the course of their proceedings, report the same to the house, for the interposition of their authority or censure, as the case shall require.

When committee choose to deliberate, the room to be cleared at their discretion.

§ 27. And be it further enacted, that whenever the said select committee shall think it necessary to deliberate amongst themselves, upon any question which shall arise in the course of the trial, or upon the determination thereof, or upon any resolution concerning the matter of the petition referred to them as aforesaid; as soon as the said select committee shall have heard the evidence and counsel on both sides relative thereunto, the room or place wherein they shall sit shall be cleared, if they shall think proper, while the members of the said select committee consider thereof; and all such questions, as well as such determination, and all other resolutions, shall be by a majority of voices; and if the voices shall be equal, the chairman shall have a casting voice.

Questions to be determined by a majority. Chairman to have a casting vote.

§ 28. Provided always, that no such determination as aforesaid shall be made, nor any question be proposed, unless thirteen members shall be present; and no member shall have a vote on such determination, or any other question or resolution, who has not attended during every sitting of the said select committee.

10 Geo. 3. c. 16.

No determination, &c. unless 13 be present; nor any member to vote who has not attended every sitting of committee. (See 28 Geo. 3. c. 52. § 17.)

§ 29. And be it further enacted, that the oaths by this act directed to be taken in the house, shall be administered by the said clerk or clerk assistant, in the same manner as the oaths of allegiance and supremacy are administered in the house of commons; and that the oaths by this act directed to be taken before the said select committee, shall be administered by the clerk attending the said select committee; and that all persons who shall be guilty of wilful and corrupt perjury in any evidence which they shall give before the house, or the said select committee, in consequence of the oath which they shall have taken by the direction of this act, shall, on conviction thereof, incur and suffer the like pains and penalties to which any other person, convicted of wilful and corrupt perjury, is liable by the laws and statutes of this realm.

Oaths taken in the house to be administered by the clerk;

and those before the select committee, by the clerk attending them.

Penalties on perjury extended thereto.

§ 30. And be it further enacted, that this act shall continue in force seven years, and till the end of the session of parliament next after the expiration of the said seven years, and no longer.

Act to continue for seven years. (Perpetual by 14 Geo. 3. c. 15.)

## The Stat. 11 Geo. 3. c. 42.

*An Act to explain and amend an Act, made in the last Session of Parliament, intituled, “An Act to regulate the Trials of controverted Elections, or Returns of Members to serve in Parliament.”*

20 Geo. 3. c. 16.  
recited.

If several parties, on distinct interests or grounds of complaint, present separate petitions, against any election or return, &c. same notices and orders to be given to such parties, or their agents, as to sitting members or petitioners, or their agents, under the 10 Geo. 3. c. 16.

“WHEREAS an act was passed in the last session of parliament, intituled, *An act to regulate the trials of controverted elections, or returns of members to serve in parliament*; and whereas further provisions may be necessary to prevent all obstructions and difficulties, which in certain cases may arise in the execution of the said act:” Be it therefore enacted, by the king’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, if several parties, on distinct interests or grounds of complaint, shall present separate petitions, complaining of an undue election or return of a member or members to serve in parliament, the same notices and orders shall be given to all such parties, or their respective agents, as by the said act are directed to be given to the sitting members, or the petitioners therein mentioned, or their respective agents.

§ 2 of 10 Geo.  
3. c. 16. re-  
pealed,

§ 2. And be it further enacted, that the clause in the said act, which provides that no petition shall be taken into consideration within

fourteen days after the appointment of the committee of privileges, be repealed; and that from henceforth no petition, complaining of an undue election, or return of a member or members to serve in parliament, shall be taken into consideration within fourteen days after the commencement of the session of parliament in which it is presented, nor within fourteen days after the return to which it relates shall be brought into the office of the clerk of the crown.

11 Geo. 3. c. 42.

No petition to be taken into consideration within 14 days after commencement of session, nor within 14 days after return brought into crown office.

§ 3. And be it further enacted, that if at the time of drawing by lot the names of the members, in manner prescribed by the said act, the number of forty-nine members, not set aside nor excused, cannot be completed, the house shall proceed in the manner they are directed by the said act to proceed, in case there be less than one hundred members present at the time therein prescribed for counting the house, and so, from day to day, as often as the case shall happen.

If at the time of drawing names of members by lot, 49 not excused or set aside, cannot be completed, the house to proceed as under 10 Geo. 3. c. 16. § 4. (but see 36 Geo. 3. c. 59 § 1.)

§ 4. And be it further enacted, that on the day appointed for taking any petition, complaining of an undue election, or return of a member or members to serve in parliament, into consideration, the house shall not proceed to any other business whatsoever, except the swearing of members, previous to the reading of the order of the day for that purpose.

On day appointed for taking petition into consideration, house not to proceed to other business previous to the same, except swearing members, (but see 28 Geo. 3. c. 52. § 12. and 36 Geo. 3. c. 59. § 1.)

§ 5. And be it further enacted, that if the select committee shall have occasion to apply or report to the house, in relation to adjournment of the said select committee, the absence of the members thereof, or the non-attendance

If select committee have occasion to report to the house in the cases herein, when the house

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bers; and shall, within one hour from the time of their withdrawing, report the names of such two members to the house; which two members shall be liable to be set aside, on the like objections for which nominees may be set aside by virtue of the said act; and in case such two members, or either of them, shall be set aside for any of the causes aforesaid, then the said thirteen members shall choose one or two other members, as the case shall require, until two members are chosen, against whom none of the objections to nominees mentioned in the said act shall be taken and allowed; and that the names of such two members shall be then added to the said list of thirteen members; and all the said fifteen members shall be sworn at the table, and they shall be the select committee appointed for the purposes expressed in this and the said former act.

11 Geo. 3. c. 42.

nominees, how to be appointed in such cases.

Such 15 to be the select committee.

§ 7. And be it further enacted, that where the said nominees are by this act directed to be named by the said thirteen members, no member present at the time of the ballot, shall depart from the house until the time for the meeting of the said select committee shall be fixed (a).

Where nominees are so to be appointed by the 13, no member to depart from the house until time of meeting of committee fixed.

(a) This act is made perpetual by the stat. 14 Geo. 3. c. 15. post, cccxvi.

The Stat. 14 Geo. 3. c. 15.

*An Act for making perpetual two Acts, passed in the tenth and eleventh Years of the Reign of his present Majesty, for regulating the Trials of controverted Elections, or Returns of Members to serve in Parliament.*

10 Geo. 3. c. 16. “ WHEREAS an act passed in the tenth year  
 “ of the reign of his present majesty, intituled,  
 “ *An act to regulate the trials of controverted*  
 “ *elections, or returns of members to serve in*  
 “ *parliament*, which act was made to continue  
 and 11 Geo. 3. “ for a limited time only ; and whereas another  
 42, recited, “ act, passed in the eleventh year of the reign  
 “ of his said majesty, intituled, *An act to ex-*  
 “ *plain and amend an act, made in the last ses-*  
 “ *sion of parliament, intituled, An act to re-*  
 “ *gulate the trials of controverted elections, or*  
 “ *returns of members to serve in parliament ;*  
 “ and whereas the provisions of the said recited  
 “ acts are well adapted to procure to the com-  
 “ mons of this realm a free and impartial trial  
 “ of controverted elections of members to serve  
 “ in parliament, and have been found by ex-  
 “ perience to be practicable and beneficial :”  
 and made per- May it therefore please your majesty, that it  
 petual. may be enacted, and be it enacted, by the king’s  
 most excellent majesty, by and with the advice  
 and consent of the lords spiritual and temporal,  
 and commons, in this present parliament as-  
 sembled, and by the authority of the same,  
 that the said recited acts, passed in the tenth  
 and eleventh years of his present majesty, shall  
 be, and are hereby made, perpetual.

The Stat. 28 Geo. 3. c. 52.

*An Act for the further Regulation of the Trials of controverted Elections, or Returns of Members to serve in Parliament.*

“ WHEREAS, by an act of parliament passed 10 Geo. 3. c. 16.  
 “ in the tenth year of the reign of his present  
 “ majesty, intituled, *An act to regulate the*  
 “ *trials of controverted elections, or returns*  
 “ *of members to serve in parliament*, certain  
 “ regulations were established, for a time therein  
 “ limited, for the trials of controverted elec-  
 “ tions, or returns of members to serve in par-  
 “ liament: and whereas, by an act passed in 11 Geo. 3. c. 42.  
 “ the eleventh year of the reign of his present  
 “ majesty, intituled, *An act to explain and*  
 “ *amend an act made in the last session of*  
 “ *parliament, intituled, An act to regulate the*  
 “ *trials of controverted elections, or returns of*  
 “ *members to serve in parliament*, further re-  
 “ gulations were made therein: and whereas the  
 “ provisions of the said acts were, by an act 14 Geo. 3. c. 15.  
 “ passed in the fourteenth year of the reign of  
 “ his present majesty, continued and made per-  
 “ petual: and whereas, by an act passed in the and 25 Geo. 3.  
 “ twenty-fifth year of the reign of his present c. 84, recited.  
 “ majesty, intituled, *An act to limit the dura-*  
 “ *tion of polls and scrutinies, and for making*  
 “ *other regulations touching the election of*  
 “ *members to serve in parliament for places*  
 “ *within England and Wales, and for Berwick*  
 “ *upon Tweed, and also for removing difficul-*  
 “ *ties which may arise for want of returns*  
 “ *being made of members to serve in parlia-*  
 “ *ment*, the provisions of the said acts were ex-

28 Geo. 3. c. 52.

No petition complaining of an undue election or return, to be proceeded upon, unless subscribed by person claiming to have had a right to vote, or to have had a right to be returned, or by candidate, or by person claiming to have had a right to vote at election of delegate.

tended, in the manner therein mentioned, to petitions complaining that no return has been made to a writ, issued for the election of a member or members to serve in parliament, within the times limited in the said act, or that such return is not a return of a member or members according to the requisition of the writ: and whereas it is expedient that further regulations should be made for the execution of the said several acts, and that provision should be made for discouraging persons from presenting frivolous or vexatious petitions, or setting up frivolous or vexatious defences, in any of the cases to which the above-recited acts relate, and that provision should also be made for the final decision of questions respecting the rights of voting at such elections, or of nominating or appointing the returning officer or returning officers who are to preside thereat: Be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that no petition complaining of an undue election or return, or of the omission of a return, or of the insufficiency of a return, shall be proceeded upon, in the manner prescribed in the said above-recited acts, unless the same shall be subscribed by some person or persons claiming therein to have had a right to vote at the election to which the same shall relate, or to have had a right to be returned as duly elected thereat, or alleging himself or themselves to have been a candidate or candidates at such election: provided always, that in any case where a writ has been issued for the election of a member to serve in parliament for any dis-

strict of burghs in that part of *Great Britain* 28 Geo. 3. c. 52.  
called *Scotland*, any such petition as aforesaid  
shall and may be so proceeded upon, if the same  
shall be subscribed by any person or persons  
claiming therein to have had a right to vote at  
the election of any delegate or delegates, com-  
missioner or commissioners, for choosing a bur-  
gess for such district.

§ 2. And be it further enacted, that if, at any  
time before the day appointed for taking any  
such petition into consideration, the speaker of  
the house of commons shall be informed, by a  
certificate in writing, subscribed by two of the  
members of the said house, of the death of the  
sitting member or sitting members, or either of  
them, whose election or return is complained  
of in such petition, or of the death of any mem-  
ber or members returned upon a double return,  
whose election or return is complained of in  
such petition, or that a writ of summons has  
been issued, under the great seal of *Great  
Britain*, to summon any such member or mem-  
bers to parliament as a peer of *Great Britain*;  
or if the house of commons shall have resolved  
that the seat of any such member is by law be-  
come vacant; or if the said house shall be in-  
formed, by a declaration in writing, subscribed  
by such member or members, or either of them,  
as the case shall be, and delivered in at the  
table of the house, that it is not the intention  
of such member or members to defend his or  
their election or return; in every such case no-  
tice thereof shall immediately be sent by the  
speaker to the sheriff, or other returning officer  
for the county, borough, or place, to which  
such petition shall relate, and such sheriff or

In cases where  
speaker, in-  
formed by cer-  
tificate in writ-  
ing, subscribed  
by two mem-  
bers, of the  
death of sitting  
member, or of  
person return-  
ed upon double  
return, whose  
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turn petitioned  
against, or that  
such person is  
summoned to  
parliament as a  
peer of Great  
Britain;

or if the house  
shall have re-  
solved that the  
seat of such  
member is va-  
cant;  
or if house,  
informed as  
herein, that it  
is not intended  
to defend elec-  
tion or return;  
notice to be  
sent by speaker  
to returning  
officer, who is  
to cause a copy  
to affixed on  
doors of county  
or town hall,

28 Geo. 3. c. 52.

and to be gazetted; order for taking such petitions into consideration may be adjourned, 30 days at least to intervene between notice in Gazette, and taking petition into consideration.

other returning officer shall cause a true copy of the same to be affixed on the doors of the county hall or town hall, or of the parish church nearest to the place where such election has usually been held, and such notice shall also be inserted, by order of the speaker, in the next *London Gazette*; and the order for taking such petition into consideration shall, if necessary, be adjourned, so that at the least thirty days may intervene between the day on which such notice shall be inserted in the said *Gazette*, and the day on which such petition shall be taken into consideration.

Within 30 days after notice is so inserted in the Gazette, any person claiming to be a voter may petition to be admitted a party, in the room of such member,

and shall be so considered.

Members giving notice of their intention not to defend their election, not to be admitted as parties against any such petition, &c.

§ 3. And be it enacted, that it shall and may be lawful, at any time within thirty days after the day on which such notice shall have been inserted in the said *Gazette*, for any person or persons claiming to have had a right to vote at such election, or at the election of delegates or commissioners for making such election, to petition the house, praying to be admitted as a party or parties, in the room of such member or members, or either of them; and such person or persons shall thereupon be so admitted as a party or parties, and shall be considered as such, to all intents and purposes whatever.

§ 4. And be it enacted, that whenever the member or members, whose election or return is so complained of in such petition, shall have given such notice as aforesaid of his or their intention not to defend the same, he or they shall not be admitted to appear or act as a party or parties against such petition, in any subsequent proceedings thereupon, any thing in the above-recited acts to the contrary notwithstanding;

and he or they shall also be restrained from sitting in the house, or voting in any question, until such petition shall have been decided upon in the manner prescribed by the above-recited acts and by this act.

28 Geo.3. c.52.

nor to sit or vote until petition decided.

§ 5. And be it further enacted, that no proceeding shall be had upon any petition, by virtue of the above-recited acts or of this act, unless the person or persons subscribing the same, or some one or more of them, shall, within fourteen days after the same shall have been presented to the house, or within such further time as shall be limited by the house, personally enter into a recognizance to our sovereign lord the king, according to the form hereunto annexed, in the sum of two hundred pounds, with two sufficient surties, in the sum of one hundred pounds each, to appear before the house at such time or times as shall be fixed by the house for taking such petition into consideration, and also to appear before any select committee which shall be appointed by the house for the trial of the same, and to renew the same in every subsequent session of parliament, until a select committee shall have been appointed by the house for the trial of the same, or until the same shall have been withdrawn by the permission of the house; and if, at the expiration of the said fourteen days, such recognizance shall not have been so entered into, or shall not have been received by the speaker of the house of commons, the speaker shall report the same to the house, and the order for taking such petition into consideration shall thereupon be discharged, unless, upon matter specially stated, and verified to the satisfaction of the house, the

No proceedings to be had upon any petition, unless one of the subscribers, within 14 days after petition presented, enter into a recognizance, with surties, as herein, to appear before the house at the time fixed for taking it into consideration, (See the form of the recognizance at the end of this act.) and before the select committee when appointed; and to renew the petition every session till committee appointed, or commission withdrawn. If no recognizance so entered into, or received by speaker, he is to report the same to the house, and the order for taking petition into consideration to be discharged, unless



28 Geo. 3. c. 52.

cause shall be seen for enlarging the time, &c.

Where time enlarged, order for taking petition into consideration may be postponed; no petition to be taken into consideration till recognizance entered into and received by speaker.

Time for entering into recognizance not to be enlarged more than once, nor for more than 30 days.

Recognizances to be entered into before the speaker, and the sufficiency of the sureties to be allowed of by him, on the report of two persons to be appointed by him;

who such persons may be. Such persons to examine the same, and report their judgment; for which such fees to be paid as allowed by the house.

Sureties living more than 40 miles from

house shall see cause to enlarge the time for entering into such recognizance; and whenever such time shall be so enlarged, the order for taking such petition into consideration shall, if necessary, be postponed, so that no such petition shall be so taken into consideration till after such recognizance shall have been entered into and received by the speaker: provided always, that the time for entering into such recognizance shall not be enlarged more than once, nor for any number of days exceeding thirty.

§ 6. And be it enacted, that the said recognizances shall be entered into before the speaker of the house of commons, who is hereby authorized and empowered to take the same; and the sufficiency of the sureties named therein shall be judged of and allowed by the said speaker, on the report of two persons appointed by him to examine the same, of which two persons the clerk, or clerk assistant of the house, shall always be one, and one of the following officers, not being a member of the said house, shall be the other; (that is to say) masters of the high court of chancery, clerks in the court of king's bench, prothonotaries in the court of common pleas, and clerks in the court of exchequer; and the said persons so appointed are hereby authorized and required to examine the same, and to report their judgment thereupon; and are also hereby authorized to demand and receive such fees, for such examination and report, as shall be, from time to time, fixed by any resolution of the house of commons.

§ 7. Provided always, and be it further enacted, that in any case where the party or parties,



who are to enter into such recognizance, or his or their sureties, or either of them, shall reside at a greater distance from *London* than forty miles, it shall and may be lawful for such party or parties, surety or sureties, respectively, to enter into such recognizance before any of his majesty's justices of the peace; and his majesty's justices of the peace, or any of them, is and are hereby authorized and empowered to take the same; and such recognizance, being duly certified under the hand of such justice, and being transmitted to the speaker of the house of commons, shall have the same force and effect as if the same had been entered into before the said speaker: provided also, that it shall and may be lawful for the persons to whom it is referred by the speaker to examine the sufficiency of such surety or sureties, to receive as evidence, in their said examination, any affidavits relating thereto, which shall be sworn before any master of the high court of chancery, or before any of his majesty's justices of the peace; and such master of the high court of chancery, or justice of the peace, respectively, is hereby authorized to administer such oath, and is authorized and required to certify such affidavit under his hand.

28 Geo. 3. c. 52.

London may enter recognizance before a justice.

Recognizance certified under hand of such justice, and transmitted to speaker, to have the same effect as if entered into before speaker.

Affidavits made before a master in chancery, or a justice, to be received as evidence of the sufficiency of sureties, by persons appointed to examine the same.

§ 8. And be it enacted, that the house shall not permit any such petition to be withdrawn, except so far as the same may relate to the election or return of any member or members who shall, since the same shall have been presented, have vacated his or their seat by death, or in any other manner.

No petition to be withdrawn unless the member's seat shall have been vacated,

§ 9. And be it enacted, that if the peti-

If petitioners do not appear

28 Geo. 3. c. 52.

before the house within one hour after the time fixed for proceeding to the appointment of a select committee; or if select committee inform the house of their non-appearance before such committee to prosecute petition; or if petition not renewed within four sitting days after commencement of every session until committee appointed, or until petition withdrawn,

speaker to certify recognizance into the exchequer, and also such default, whereof certificate to be conclusive evidence, and recognizance so certified to have the same effect as if estreated from a court of law. Recognizance and certificate

tioner or petitioners, who shall have entered into such recognizance as aforesaid, shall not appear before the house by himself or themselves, or by his or their counsel or agents, within one hour after the time fixed, in pursuance of the above-recited acts, and of this act, for calling in the respective parties, their counsel or agents, for the purpose of proceeding to the appointment of a select committee; or if the select committee, appointed in pursuance of the said acts, and of this act, for the trial of such petition, shall inform the house that such person or persons did not appear before the said committee, by himself or themselves, or by his or their counsel or agents, to prosecute their said petition; or if such person or persons shall neglect to renew their said petition within four sitting days after the day of the commencement of every session of the same parliament, subsequent to that in which such petition was first presented, and until a select committee shall have been appointed for trial of the same, or until the same shall have been withdrawn by the permission of the house, in every such case such person or persons shall be held to have made default in his or their said recognizance; and the speaker of the house of commons shall thereupon certify such recognizance into the court of exchequer, and shall also certify that such person or persons have made default therein, and such certificate shall be conclusive evidence of such default, and the recognizance being so certified shall have the same effect as if the same were estreated from a court of law: provided always, that such recognizance and certificate shall, in every such case, be delivered by the clerk or clerk assistant of the house of

commons, into the hands of the lord chief baron of the exchequer, or of one of the barons of the exchequer, or of such officer of the court of exchequer as shall be appointed by the said court to receive the same. 23 Geo. 3. c. 52.  
to be delivered  
by the clerk  
assistant into  
the exchequer.

§ 10. “ And whereas, by several provisions contained in the above-recited acts made in the tenth and eleventh years of the reign of his present majesty, *Sunday* and *Christmas-day* are excepted from the general regulations of the said acts;” be it hereby enacted, that in every such case, *Good Friday* shall also be excepted therefrom, in the same manner as if the same had been specially excepted in the said acts. Good Friday  
to be excepted  
from the regula-  
tions of the  
recited acts.

§ 11. And be it also enacted, that if, on the day immediately preceding any of the three following days, that is to say, *Christmas-day*, *Whitsunday*, or *Good Friday*, after reading the order of the day for taking any such petition as aforesaid into consideration, it shall be found that there are not one hundred members present, or that the number of forty-nine members, not set aside or excused, cannot be completed, it shall and may be lawful for the house, if they shall think fit, any thing in the above-recited acts to the contrary notwithstanding, to direct that the said order shall be adjourned for any number of days, and the house shall then immediately be adjourned to the hour and day to which such order shall be so adjourned. If on the day  
preceding  
*Christmas-*  
*day*, &c. there  
shall not be 100  
members pre-  
sent, or 49 not  
excused can-  
not be com-  
pleted, the or-  
der for taking  
any such peti-  
tion into con-  
sideration, and  
also the house,  
may be ad-  
journed for any  
number of  
days.

§ 12. “ And whereas it is enacted, by the said act passed in the eleventh year of the reign of his present majesty, that on the day (11 Geo. 3. c.  
42. § 4.)  
On days ap-  
pointed for

23 Geo. 3. c. 52.

taking petitions into consideration, reports from select committees, &c. may be received, &c. previous to reading the order of the day;

also returns may be altered or amended, &c.

order may be postponed for the purpose of attending his majesty or his commissioners in the house of lords.

(See also 32 Geo. 3. c. 1. and 36 Geo. 3. c. 59.)

If petitioners do not appear within an hour after the time fixed for appointing select committees, the order for taking such petitions into consideration to be discharged, and petition no further proceeded upon.

“ appointed for taking such petition into consideration, the house shall not proceed to any other business whatsoever, except the swearing of members, previous to the reading of the order of the day for that purpose;” be it hereby enacted, that it shall and may be lawful for the house, previous to reading such order, to receive any report from any select committee appointed in pursuance of the above-recited acts, or of this act, and to enter the same upon their journals, and to give the necessary orders and directions thereupon; and that previous to reading the said order, the clerk of the crown may be admitted to alter or amend any return, in pursuance of an order made on a preceding day, or on that day; and also, that it shall and may be lawful for the house, previous to reading the said order, to postpone the same, for the purpose of attending his majesty, or his majesty’s commissioners, in the house of lords, in consequence of any message from his majesty, or from his majesty’s commissioners, signified to the house in the usual manner.

§ 13. And be it also enacted, that if, within one hour after the time fixed in pursuance of the above-recited acts, and of this act, for calling in the respective parties, their counsel or agents, for the purpose of proceeding to the appointment of a select committee, the petitioner or petitioners, or some one or more of them, who shall have signed any such petition, shall not appear by himself or themselves, or by his or their counsel or agents, the order for taking such petition into consideration shall thereupon be discharged, and such petition shall not be any further proceeded upon in the manner directed in the above-recited acts, and in this act.

§ 14. And be it enacted, that if, within one hour after the time so appointed as aforesaid, the sitting member or sitting members, or other party or parties opposing the petition, shall not appear by himself or themselves, or by his or their counsel or agents, or if, at the time so appointed as aforesaid, there shall be no party before the house opposing the petition, the house shall proceed to appoint a select committee, to try the merits of such petition, in the following manner; (that is to say) that the names of forty-nine members shall be drawn, in the manner prescribed in the above-recited acts, but in reducing the list of such names to thirteen, the place of a party opposing the petition shall be supplied by the clerk appointed to attend the said committee, who shall, as often as it shall come to his turn, as supplying the place of the party opposing the petition, to strike out a name, strike out that name which then shall be first in the said list; and in every case where the party opposing the petition would be empowered, by the above-recited acts, to nominate one member to be added to the said thirteen, the said thirteen shall, from among the persons present in the house at the time of drawing the names of the members, choose one person to supply the place of the member to have been so nominated, in the same manner as is directed by the above-recited act made in the eleventh year of his majesty's reign, in the case where there are more than two parties on distinct interests.

28 Geo. 3. c. 52.

If sitting member, or other party opposing petition, do not appear within such time; or if no party before the house, select committee to be appointed; the place of a party opposing petition being supplied by the clerk, &c. who is to strike off names as herein;

a nominee to be chosen by the 13,

(as under 11 Geo. 3. c. 42. § 6.)

§ 15. And be it further enacted, that the same method of reducing the list of members drawn to thirteen, and of nominating a member to be added to the thirteen remaining on the

The foregoing method of reducing the list to 13, and appointing nominee, to be

28 Geo. 3. c. 32. <sup>~~~~~</sup> said list, shall be respectively followed, whenever any party shall waive his right of striking off names from the said list, or of nominating a member to be added to the said thirteen.

followed when any party shall waive his right to do it.

Witnesses not attending the select committee, or giving false evidence, prevaricating, &c.

to be committed as herein.

§ 16. And be it further enacted, that if any person summoned to attend the said select committee by the warrant of the speaker of the said house, or by order of the said committee, shall disobey such summons, or shall give false evidence, or prevaricate, or otherwise misbehave in giving, or in refusing to give, evidence before the said committee, the said committee shall have power, by a warrant to be signed by the chairman, and directed to the serjeant at arms attending the house of commons, or to his deputy or deputies, to commit such person (not being a peer of the realm or a lord of parliament) to the custody of the said serjeant, without bail or mainprize, for any time not exceeding twenty-four hours if the house shall then be sitting, or if not, then for a time not exceeding twenty-four hours after the hour to which the house shall then be adjourned.

(10 Geo. 3. c. 16. § 23.)

§ 17. “ And whereas it is enacted by the said  
 “ act made in the tenth year of his majesty’s  
 “ reign, that if more than two members of the  
 “ said select committee shall, on any account,  
 “ be absent therefrom, the said select committee  
 “ shall adjourn in the manner in the said act  
 “ directed, and so from time to time, until thir-  
 “ teen members are assembled; and that no such  
 “ determination as in the said act is mentioned  
 “ shall be made, nor any question be proposed,  
 “ unless thirteen members shall be present; and  
 “ that no member shall have a vote on such de-

(Ib. § 28.)

“ termination, or any other question or resolu-  
 “ tion, who has not attended during every sit-  
 “ ting of the said select committee; and that,  
 “ in case the number of members able to attend  
 “ the said committee shall, by death or other-  
 “ wise, be unavoidably reduced to less than  
 “ thirteen, and shall so continue for the space  
 “ of three sitting days, the said committee shall  
 “ be dissolved, and another chosen to try and  
 “ determine the matter of such petition, in the  
 “ manner in the said act before provided;” be it  
 hereby enacted, that whenever any committee  
 shall have sat for business fourteen days, not  
 including those days on which they shall have  
 adjourned on account of the absence of any  
 member, nor including *Sunday, Christmas-day,*  
 or *Good Friday*, it shall and may be lawful for  
 them to proceed to business, if a number of  
 members not less than twelve be present; and  
 in such case, the committee shall not be dis-  
 solved by reason of the absence of the members,  
 unless the number of members able to attend  
 the same shall, by death or otherwise, be un-  
 avoidably reduced to less than twelve, and shall  
 so continue for the space of three sitting days;  
 and whenever any committee shall in like man-  
 ner have sat for business twenty-five days, it  
 shall and may be lawful for them to proceed to  
 business, if a number of members not less than  
 eleven be present; and in such case, the com-  
 mittee shall not be dissolved by reason of the  
 absence of the members, unless the number of  
 members able to attend the same shall, by death  
 or otherwise, be unavoidably reduced to less  
 than eleven, and shall so continue for the space  
 of three sitting days.

28 Geo. 3. c. 52.

(10 Geo. 3. c.  
16. § 24.)

If a committee shall have sat for business 14 days, 12 members may proceed therein;

and committee not to be dissolved unless reduced below that number, and so continue for three sitting days;

and if committee have sat 25 days, 11 members may proceed, &c.



28 Geo. 3. c. 52.

Committees in their reports to mention whether petitions appear to be frivolous or vexatious;

so, whether the opposition thereto be frivolous or vexatious; if no party appear in opposition to petition, committee to report whether election or return, or omission or insufficiency of return complained of, vexatious or corrupt.

Where petitions reported frivolous or vexatious,

the party opposing entitled to costs, &c.  
(See § 22.)

§ 18. And be it further enacted, that every such committee, at the same time that they report to the house their final determination on the merits of the petition which they were sworn to try, shall also report to the house whether such petition did, or did not, appear to them to be frivolous or vexatious; and that they shall in like manner report, with respect to every party or parties who shall have appeared before them in opposition to such petition, whether the opposition of such party or parties respectively did, or did not, appear to them to be frivolous or vexatious; and that if no party shall have appeared before them in opposition to such petition, they shall then report to the house whether such election or return, or such alleged omission of a return, or such alleged insufficiency of a return, as shall be complained of in such petition, according as the case shall be, did, or did not, appear to them to be vexatious or corrupt.

§ 19. And be it enacted, that whenever any such committee shall report to the house, with respect to any such petition, that the same appeared to them to be frivolous or vexatious, the party or parties, if any, who shall have appeared before the committee in opposition to such petition, shall be entitled to recover, from the person or persons, or any of them, who shall have signed such petition, the full costs and expences which such party or parties shall have incurred in opposing the same; such costs and expences to be ascertained in the manner hereinafter directed.



§ 20. And be it also enacted, that whenever any such committee shall report to the house, with respect to the opposition made to such petition, by any party or parties who shall have appeared before them, that such opposition appeared to them to be frivolous or vexatious, the person or persons who shall have signed such petition shall be entitled to recover from such party or parties, or any of them, with respect to whom such report shall be made, the full costs and expences which such petitioner or petitioners shall respectively have incurred in prosecuting their said petition; such costs and expences to be ascertained in the manner hereinafter directed.

28 Geo. 3. c. 52.

Where opposition to petition reported frivolous or vexatious, petitioners entitled to costs, &c.

(See § 22.)

§ 21. And be it also enacted, that whenever, in any case where no party shall have appeared before such committee in opposition to such petition, such committee shall report to the house, with respect to the election or return, or to the alledged omission of a return, or to the alledged insufficiency of a return, complained of in any such petition, that the same appeared to them to be vexatious or corrupt, the person or persons who shall have signed such petition shall be entitled to recover from the sitting member or sitting members (if any) whose election or return shall be complained of in such petition, such sitting member or sitting members not having given notice as aforesaid of his or their intention not to defend the same, or from any other person or persons whom the house shall have admitted or directed to be made a party or parties to oppose such petition, the full costs and expences which such petitioner or petitioners shall have incurred in prosecuting their said pe-

Where no party appears in opposition to petition, and the election or return, or omission or insufficiency of return complained of, reported vexatious or corrupt, petitioners to recover costs, &c. from sitting members, not having given notice of intention not to defend the same, or from persons admitted by the house as parties to oppose petition.

(See § 22.)

28 Geo. 3. c. 52. titution ; such costs and expences to be ascertained  
 in the manner hereinafter directed.

How and by  
 what persons  
 such costs, &c.  
 are to be as-  
 certained ;

§ 22. And be it enacted, that in the several cases herein before mentioned, the costs and expences of prosecuting or opposing any such petition shall be ascertained in manner following ; (that is to say), that on application made to the speaker of the house of commons, by any such petitioner or petitioners, or party or parties, as before mentioned, for ascertaining such costs and expences, he shall direct the same to be taxed by two persons, of whom the clerk or clerk assistant of the house shall always be one, and one of the following officers, not being a member of the house, shall be the other ; (that is to say), masters in the high court of chancery, clerks in the court of king's bench, prothonotaries in the court of common pleas, and clerks in the court of exchequer ; and the persons so authorized and directed to tax such costs and expences shall, and they are hereby required to examine the same, and to report the amount thereof to the speaker of the said house ; who shall, on application made to him, deliver to the party or parties a certificate, signed by himself, expressing the amount of the costs and expences allowed in such report ; and the persons so appointed to tax such costs, and report the amount thereof, are hereby authorized to demand and receive, for such taxation and report, such fees as shall be, from time to time, fixed by any resolution of the house.

persons ap-  
 pointed to tax  
 the same, &c.  
 to receive such  
 fees as fixed by  
 resolution of  
 the house.

Costs, &c. may  
 be demanded  
 from one or  
 more persons

§ 23. And be it enacted, that it shall and may be lawful for the party or parties entitled to such costs and expences, or for his, her, or their

executors or administrators, to demand the whole amount thereof, so certified as above, from any one or more of the persons respectively, who are hereinbefore made liable to the payment thereof, in the several cases hereinbefore mentioned; and in case of non-payment thereof, to recover the same by action of debt, in any of his majesty's courts of record at *Westminster*; in which action it shall be sufficient for the plaintiff or plaintiffs to declare that the defendant or defendants is or are indebted to him or them (in the sum to which the costs and expences, ascertained in manner aforesaid, shall amount) by virtue of this act; and the certificate of the speaker of the house of commons, under his signature, of the amount of such costs and expences, together with an examined copy of the entries in the journals of the house of commons, of the resolution or resolutions of the said select committee or committees, shall be deemed full and sufficient evidence in support of such action of debt: Provided always, that in every such action of debt, no wager of law, or more than one imparlance, shall be allowed; and the party or parties in whose favour judgment shall be given in any such action, shall recover his or their costs.

28 Geo. 3. c. 52.

liable to the payment, and if not paid, may be recovered by action of debt, &c.


How plaintiff in such action shall declare.

Evidence in such action.

Judgment in such actions to entitle the party to costs.

§ 24. And be it further enacted, that in every case where the amount of such costs and expences shall have been so recovered from any person or persons, it shall and may be lawful for such person or persons to recover in like manner from the other persons, or any of them, if such there shall be, who shall be liable to the payment of the said costs and expences, a pro-

Persons against whom costs, &c. recovered, may recover a proportion thereof from any other persons liable thereto.

28 Geo. 3. c. 52.  portionable share thereof, according to the number of persons so liable.

When the merits of petitions depend on questions respecting the right of election, or of appointment of returning officer, statements of the right contended for by each party to be delivered in writing.

Committee to come to distinct resolutions on such statements, and to report their final determination on the merits of petition, and also such statements, and their judgment thereupon: report to be entered in the journals, and notice thereof sent to the returning officer, &c.; copy of notice to be affixed

§ 25. And be it further enacted, that whenever any such select committee, appointed to try the merits of any such petition as aforesaid, shall be of opinion that the merits of such petition do wholly or in part depend on any question or questions which shall be before them respecting the right of election for the county, city, borough, district of burghs, or other place to which such petition shall relate, or respecting the right of choosing, nominating, or appointing the returning officer or returning officers, who is or are to make return of such election, the said committee, in such case, shall require the counsel or agents for the several parties, or if there shall be none such before them, shall then require the parties themselves, to deliver to the clerk of the said committee, statements in writing of the right of election, or of choosing, nominating, or appointing, returning officers, for which they respectively contend; and the committee shall come to distinct resolutions on such statements, and shall, at the same time that they report to the house their final determination on the merits of such petition, also report to the house such statement or statements, together with their judgment with respect thereto: And such report shall thereupon be entered in the journals of the house, and notice thereof shall be sent by the speaker to the sheriff, or other returning officer, of the place to which the same relate; and a true copy of such notice shall, by such sheriff, or other returning officer, be forthwith affixed to the doors of the county hall or

town hall, or of the parish church nearest to the place where such election has usually been held; and such notice shall also be inserted, by order of the speaker, in the next *London Gazette*.

28 Geo. 3. c. 52.

on doors of county hall, &c. or of the parish church, &c. and to be gazetted.

§ 26. And be it enacted, that it shall and may be lawful for any person or persons, at any time within twelve calendar months after the day on which such report shall have been made to the house, or within fourteen days after the day of the commencement of the next session of parliament after that in which such report shall have been made to the house, to petition the house to be admitted as a party or parties to oppose that right of election, or of choosing, nominating, or appointing, the returning officer or returning officers, who is or are to make return of such election, which shall have been deemed valid in the judgment of such committee.

Persons may, within 12 months after such report, or within 14 days after the commencement of the following session, petition to be admitted to oppose the right of election, or appointment of returning officer, thereby established.

§ 27. And be it enacted, that if no such petition shall be so presented within the time above limited for presenting the same, the said judgment of such committee, on such question or questions, shall be held and taken to be final and conclusive in all subsequent elections of members of parliament for that place to which the same shall relate, and to all intents and purposes whatsoever; any usage to the contrary notwithstanding.

If no such petition presented, the judgment of the committee to be conclusive in all subsequent elections.

§ 28. And be it enacted, that whenever any such petition shall be so presented, a day and hour shall be appointed by the house for taking the same into consideration, so that the space of forty days at the least shall always intervene

On such petition, day and hour to be appointed for taking the same into consideration, forty days in-

28 Geo. S. c. 52.

Intervening between the presenting and taking the same into consideration.

Notice to be gazetted, and sent to returning officer;

copy of notice to be affixed on doors of county hall or of town hall, or of parish church, &c.

Before taking such petition into consideration, any person may petition to be admitted to defend such right of election, or of appointing returning officer.

Committee to be appointed to try the merits of such petitions, &c.

between the day of presenting such petition and the day appointed by the house for taking the same into consideration (a); and notice of such day and hour shall be inserted, by order of the speaker, in the next *London Gazette*, and shall also be sent by him to the sheriff, or other returning officer, for the place to which such petition shall relate; and a true copy of such notice shall, by the said sheriff, or other returning officer, be forthwith affixed to the doors of the county hall, or town hall, or of the parish church nearest to the place where such election has usually been held.

§ 29. And be it enacted, that it shall and may be lawful for any person or persons, at any time before the day so appointed for taking such petition into consideration, to petition the house to be admitted as a party or parties to defend such right of election, or of choosing, nominating, or appointing, the returning officer or returning officers; and such person or persons shall thereupon be so admitted, and shall be considered as such to all intents and purposes whatever.

§ 30. And be it enacted, that at the hour appointed by the house for taking such petition into consideration, the house shall proceed to appoint a select committee to try the merits thereof, according to the directions of the above recited acts, and of this act; and such select committee shall be sworn to try and determine the merits of such petition, so far as the same relate to any question or questions respecting the right of election for the place to which the

(a) See *post*, 34 Geo. 3. c. 83.

petition shall relate, or respecting the right of appointing, nominating, or choosing, the returning officer or returning officers who are to make return of such election; and the determination of such committee on such question or questions, shall be entered on the journals of the house, and shall be held and taken to be final and conclusive in all subsequent elections of members of parliament for that place to which the same shall relate, and to all intents and purposes whatever; any usage to the contrary notwithstanding.

28 Geo. 3. c. 52.

determination of committee to be entered on journals, and to be conclusive in all subsequent elections.

§ 31. "And whereas it is amongst other things enacted, by an act passed in the second year of the reign of his late majesty king George the second, intituled, *An act for the more effectual preventing bribery and corruption in the elections of members to serve in parliament*, that such votes shall be deemed to be legal which have been so declared by the last determination in the house of commons; which last determination concerning any county, shire, city, borough, cinque port, or place, shall be final to all intents and purposes whatever, any usage to the contrary notwithstanding;" be it enacted, that so much of the said act as is above recited shall be, and the same is hereby repealed, in so far only as the same relates, or might be construed to relate, to any such determination to be made in the house of commons subsequent to the passing of this act.

2 Geo. 2. c. 24. § 4,

repealed in as far as it may relate to any determination, as to right of election, subsequent to passing this act.

§ 32. And be it enacted, that all and every the rules, regulations, authorities, and powers,

Rules, &c. of recited acts to be in force



28 Geo. 3. c. 58.

with respect to committees appointed under this act.

Regulations touching recognizances and payment of costs not to apply to petitions relating solely to questions respecting right of election, or of appointing returning officer.

prescribed or given by the above-recited acts, or by this act, to select committees for the trial of controverted elections or returns, shall be in full force and effect with respect to select committees appointed by virtue of this act, for the trial of such question or questions of right as aforesaid, in as full and ample a manner as if the same were herein repeated, and particularly and specially enacted, concerning such select committees: Provided always, that the several rules and regulations hereinbefore enacted, by which certain persons are directed to enter into recognizances, and by which certain persons are made liable to the payment of costs, in the particular manner, and in the several cases hereinbefore specified, shall not be construed to apply to the case of any petition presented in pursuance of this act, and relating solely to any question or questions respecting the right of election, or of choosing, nominating, or appointing, a returning officer or returning officers.

Committees not to be dissolved by the prorogation of parliament,

but to adjourn to the day following that on which parliament shall meet for dispatch of business, &c.

§ 33. And be it further enacted, that whenever it shall happen that parliament shall be prorogued while any select committee shall be sitting for the trial of any such petition as aforesaid, and before they shall have reported to the house their determination thereon, such committee shall not be dissolved by such prorogation, but shall be thereby adjourned to twelve of the clock on the day immediately following that on which parliament shall meet again for the dispatch of business, (*Sundays, Good Friday, and Christmas-day*, always ex-



**28 Geo. 3. c. 52.**

*Form of the Recognizance referred to in this Act.*

BE it remembered, that on the  
day of \_\_\_\_\_ in the year of our Lord  
\_\_\_\_\_ before  
me *A. B.* [speaker of the house of commons] or  
[one of his majesty's justices of the peace for  
the county of \_\_\_\_\_] came *C. D. E. F.*  
and *J. G.* and severally acknowledged them-  
selves to owe to our sovereign lord the king the  
following sums; that is to say, the said *C. D.*  
the sum of two hundred pounds, and the said  
*E. F.* and the said *J. G.* the sum of one hun-  
dred pounds each, to be levied on their respec-  
tive goods and chattels, lands, and tenements,  
to the use of our said sovereign lord the king,  
his heirs and successors, in case the said *C. D.*  
shall fail in performing the condition hereunto  
annexed.

8 Geo. 3. c. 52.

The condition of this recognizance is, that if the said *C. D.* shall duly appear before the house of commons, at such time or times as shall be fixed by the said house for taking into consideration the petition signed by the said *C. D.* complaining of an undue election or return for the  
of *[Here specify the county, city, borough, or district of burghs]* or, [complaining that no return has been made for the said *[ ]* of *[ ]* within the time limited by act of parliament, or, that the return made for the said *[ ]* of *[ ]* is not a return of a member or members according to the requisition of the writ, and shall appear before any select committee which shall be appointed by the house of commons for the trial of the same, and shall renew his said petition in every subsequent session of this present parliament, until a select committee shall have been appointed by the said house for the trial of the same, or until the same shall have been withdrawn by the permission of the said house; then this recognizance to be void, otherwise to be of full force and effect.

The Stat. 32 Geo. 3. c. 1.

*An Act to extend the Provisions of certain Acts of Parliament made to regulate the Trials of controverted Elections, or Returns of Members to serve in Parliament.*

“ WHEREAS, by an act passed in the eleventh 11 Geo. 3. c. 42.  
 “ year of the reign of his present majesty, in-  
 “ tituled, *An act to explain and amend an act,*  
 “ *made in the last session of parliament, in-*  
 “ *tituled, An act to regulate the trials of con-*  
 “ *troverted elections or returns of members to*  
 “ *serve in parliament,* it is enacted, that on the  
 “ day appointed by the house of commons for  
 “ taking into consideration any petition com-  
 “ plaining of an undue election, or return of  
 “ any member to serve in parliament, the house  
 “ shall not proceed to any other business what- (§ 4.)  
 “ soever, except the swearing of members, pre-  
 “ vious to the reading of the order of the day  
 “ for that purpose: And whereas, by an act  
 “ passed in the twenty-eighth year of the reign  
 “ of his present majesty, intituled, *An act for* 28 Geo. 3. c. 52  
 “ *the further regulation of the trials of con-*  
 “ *troverted elections, or returns of members to*  
 “ *serve in parliament,* it is enacted, that it  
 “ shall and may be lawful for the house, pre-  
 “ vious to the reading such order, to proceed  
 “ to such other business as in the said act is  
 “ particularly specified: And whereas it is of (§ 12.)  
 “ importance, that the like power should be ex-  
 “ tended to the several cases hereinafter men-

32 Geo. 3. c. 1.

On day appointed for taking any petition, &c. into consideration, the house may, previous to reading order of the day for the same, first receive messages from the lords; or on day appointed for trial of articles of impeachment, to proceed to business necessary thereto.

“tioned:” Be it enacted, by the king’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that on the day appointed by the house for taking into consideration any petition complaining of an undue election, or return of any member to serve in parliament, or the petition of any person or persons desiring to oppose any right of election, or the right of choosing, nominating, or appointing, any returning officer, or returning officers, which shall have been deemed valid by the determination of any select committee, it shall and may be lawful for the house, previous to the reading the order or orders for taking any such petition or petitions into consideration, to receive any message or messages from the lords; and also that it shall and may be lawful for the house, on the days appointed for the trial of any articles of impeachment, exhibited or to be exhibited by the commons, before the lords in parliament, previous to the reading any such order or orders as aforesaid, to proceed to any business that may be necessary for the purpose of carrying on the prosecution of such impeachment.

The Stat. 34 Geo. 3. c. 83.

*An Act to explain so much of an Act, made in the twenty-eighth Year of his present Majesty's Reign, intituled, An Act for the further Regulation of the Trials of controverted Elections, or Returns of Members to serve in Parliament, as relates to the Time of presenting certain renewed Petitions, and taking the same into Consideration.*

“ WHEREAS, by an act passed in the twenty- 28 Geo. 3. c. 52.  
 “ eighth year of his present majesty's reign, in-  
 “ tituled, *An act for the further regulation of*  
 “ *the trials of controverted elections, and re-*  
 “ *turns of members to serve in parliament,* it  
 “ is enacted, that whenever any such select (§ 26.)  
 “ committee of the house of commons, as is  
 “ therein mentioned, shall have reported to the  
 “ house their judgment respecting the right of  
 “ election of members to serve in parliament,  
 “ for any county, city, borough, or place, or  
 “ of choosing, nominating, or appointing, the  
 “ returning officers, who is or are to make re-  
 “ turn of such election, it shall be lawful for  
 “ any person or persons, at any time within  
 “ twelve calendar months after the day on  
 “ which such report shall have been made to  
 “ the house, or within fourteen days after the  
 “ day of the commencement of the next session  
 “ of parliament, after that in which such report  
 “ shall have been made to the house, to peti-  
 “ tion the house to be admitted as parties to

34 Geo. 3. c. 83. “ oppose the right which has been deemed va-  
 “ lid in the judgment of such committee; and  
 “ that when such petition shall be so presented,  
 (§ 28.) “ a day shall be appointed by the house for  
 “ taking the same into consideration, so that  
 “ the space of forty days at the least shall al-  
 “ ways intervene between the day of presenting  
 “ such petition, and the day appointed by the  
 “ house for taking the same into consideration :  
 “ And whereas the said provision, which directs  
 “ that the said space of forty days shall inter-  
 “ vene between the day of presenting such pe-  
 “ tition, and the day appointed by the house for  
 “ taking the same into consideration, hath been  
 “ construed to extend to petitions which are  
 “ renewed in any session or sessions of parlia-  
 “ ment, subsequent to that in which such peti-  
 “ tion was originally presented to the house,  
 “ which proceeding hath been found to be  
 “ inconvenient;” for remedy thereof, Be it en-  
 acted, by the king’s most excellent majesty, by  
 and with the advice and consent of the lords  
 spiritual and temporal, and commons, in this  
 present parliament assembled, and by the autho-  
 rity of the same, that every petition, so renewed  
 as aforesaid, shall be presented to the house  
 within fourteen days after the day of the com-  
 mencement of any such subsequent session or  
 sessions of parliament, and not otherwise; and  
 that whenever any such renewed petition shall  
 be so presented, a day and hour, at not less than  
 fourteen days distance, shall be appointed by  
 the house, for taking the same into considera-  
 tion, any thing in the said act to the contrary  
 thereof notwithstanding.

Renewed peti-  
 tions herein to  
 be presented  
 to the house  
 within 14 days  
 after com-  
 mencement of  
 subsequent ses-  
 sion.

Time to be ap-  
 pointed for  
 taking such in-  
 to considera-  
 tion at not less  
 than 14 days  
 distance.

If such peti-  
 tions not re-

§ 2. And be it further enacted, that if any

such petition shall not, from time to time, and in every session of parliament, until the same shall be taken into consideration, be so renewed within the time above limited for renewing the same, the judgment of such committee on such question or questions, shall be held and taken to be final and conclusive in all subsequent elections of members of parliament for that place to which the same shall relate, and to all intents and purposes whatsoever.

34 Geo. 3. c. 8:  
newed, judgment of committee to be final.

The Stat. 36 Geo. 3. c. 59.

*An Act for the more effectual Execution of several Acts of Parliament, made for the Trials of controverted Elections, or Returns of Members to serve in Parliament.*

“ WHEREAS, by an act passed in the tenth year of the reign of his present majesty, intituled, *An act to regulate the trials of controverted elections, or returns of members to serve in parliament*, it is enacted, that at the time appointed for taking any petition, complaining of an undue election or return of a member or members to serve in parliament, into consideration, and previous to the reading the order of the day for that purpose, the house shall be counted, and that if there be less than one hundred members present, the

10 Geo. 3. c. 16

(54.)

- 1 Geo. 3. c. 59. “ order for taking such petition into considera-  
 “ tion shall be immediately adjourned to a par-  
 “ ticular hour on the following day, as therein  
 “ mentioned, and the house shall then adjourn  
 “ to the said day; and that on the said follow-  
 “ ing day, the house shall proceed in the same  
 “ manner; and so from day to day, till there  
 “ be an attendance of one hundred members at  
 “ the reading the order of the day to take such  
 1 Geo. 3. c. 42. “ petition into consideration: And whereas, by  
 3.) “ an act passed in the eleventh year of the  
 “ reign of his present majesty, for explaining  
 “ and amending the said act, it is enacted, that  
 “ if at the time of drawing by lot the names  
 “ of the members, in manner prescribed by the  
 “ said former act, the number of forty-nine  
 “ members not set aside nor excused, cannot be  
 “ completed, the house shall proceed in the  
 “ manner they are directed by the said former  
 “ act to proceed, in case there be less than one  
 “ hundred members present at the time therein  
 “ prescribed for counting the house, and so  
 “ from day to day, as often as the case shall  
 5 Geo. 3. c. 84. “ happen: And whereas, by an act passed in  
 “ the twenty-fifth year of the reign of his pre-  
 “ sent majesty, intituled, *An act to limit the*  
 “ *duration of polls and scrutinies, and for*  
 § 10, 11, 12.) “ *making other regulations touching the elec-*  
 “ *tion of members to serve in parliament, for*  
 “ *places within England and Wales, and for*  
 “ *Berwick-upon-Tweed, and also for removing*  
 “ *difficulties which may arise for want of re-*  
 “ *turns being made of members to serve in*  
 8 Geo. 3. c. 52. “ *parliament*; and by one other act, made in  
 “ the twenty-eighth year of the reign of his  
 “ present majesty, intituled, *An act for the*  
 “ *further regulation of the trials of contro-*



“ *verted elections, or returns of members to* 36 Geo. 3. c. 59.  
 “ *serve in parliament,* it is enacted, that pe-  
 “ titions complaining of the omission, or of the  
 “ insufficiency of a return to any writ issued  
 “ for the election of any member or members  
 “ to serve in parliament, and also the petitions  
 “ of any person or persons desiring to oppose  
 “ any right of election, or the right of choosing,  
 “ nominating, or appointing, any returning of-  
 “ ficer, or returning officers, which shall have  
 “ been deemed valid by the determination of  
 “ any select committee, shall be taken into con-  
 “ sideration, tried, and determined, in the same (§ 32.)  
 “ manner as petitions complaining of undue elec-  
 “ tions and returns are directed to be taken into  
 “ consideration, tried, and determined, by the  
 “ said acts passed in the tenth and eleventh  
 “ years of the reign of his present majesty: And  
 “ whereas it is expedient that further provision  
 “ should be made for the preventing delay in  
 “ the appointment of any such select committee,  
 “ to be appointed for the purposes aforesaid,  
 “ any or either of them,” Be it enacted, by the  
 king’s most excellent majesty, by and with the  
 advice and consent of the lords spiritual and  
 temporal, and commons, in this present parlia-  
 ment assembled, and by the authority of the  
 same, that if, after counting of the house in  
 the manner before mentioned, there be less than  
 one hundred members present, or if the forty-  
 nine members not set aside or excused cannot  
 be completed, it shall and may be lawful for  
 the house (after the order or orders for taking  
 any such petition or petitions into consideration  
 shall have been adjourned to a particular hour,  
 on the following or such other day as in the

If there be less than 100 members present, or 49 cannot be completed,

after adjourning order for taking petition into consideration,

36 Geo. 3. c. 59.

house may proceed as if there had been no such order, upon any order for a call of the house,

or may adjourn the same to a future day,

and may in either case make orders for enforcing attendance of members, adjourning to the day to which such orders adjourned.

House then to adjourn to day to which orders adjourned.

If no such proceedings as to call of the house, &c. house to be adjourned to day to which orders adjourned.

said acts is directed), to proceed (in like manner as they might have proceeded if there had been no order or orders for taking any such petition or petitions into consideration on that day) upon any order of the day for the call of the house, which shall have been previously fixed for that day, and to direct that the house, in pursuance of such order, be then called over, if they shall so think fit, or to direct that such order of the day for a call of the house shall be adjourned to such future day as they shall appoint, and in either of such cases to come to such resolutions, and to make such orders relating thereto, as are usually at any time made in such cases, or as to them shall seem meet; and in case no order of the day for a call of the house shall have been previously fixed for that day, then it shall and may be lawful for the house to order that the house shall be called over on such future day as they shall appoint, and to make such orders relating thereto as they shall think necessary, and in any case to make such other orders as to them shall seem expedient for enforcing the attendance of the members on the business of the house; and that the house shall then adjourn to the same day to which such order or orders shall have been adjourned, and so from time to time, as occasion shall require; and in case no such proceedings with respect to any call of the house, or other the matters before mentioned shall take place, or if, in the course of those proceedings, the house shall be adjourned for want of members, the house shall be deemed and taken, and shall be declared to be adjourned to the same day to which such order or orders shall have

been adjourned: provided always, that in case the forty-nine members, not set aside nor excused, cannot be completed, it shall not be lawful for the house to proceed upon any of the matters before mentioned, until the door of the house is unlocked, and the parties, their counsel and agents, are withdrawn from the bar.

36 Geo. 3. c. 59.

If the 49 cannot be completed, house not to proceed, as aforesaid, until door locked, and parties, &c. withdrawn.

§ 2. Provided always, and be it enacted, that the house shall not, on any day when any such petition or petitions shall be ordered to be taken into consideration, proceed to any other business (other than such as may, by virtue of any act of parliament, be proceeded on previous to the reading of the order of the day for taking any such petition or petitions into consideration) until there be an attendance of one hundred members, or until the number of forty-nine members, not set aside nor excused, shall be completed, other than and except to the calling over of the house, adjourning such call, or ordering a call of the house on a future day, and making such orders relative thereto as they shall think fit, or such other orders as to them shall seem expedient for enforcing the attendance of the members on the business of the house, in the manner before mentioned.

On day when petition ordered to be taken into consideration, house not to proceed to business (other than what is allowed by act of parliament previous to reading order for the same) until 100 members present, or 49 completed, except as herein.

## The Stat. 42 Geo. 3. c. 84.

*An Act for the further Regulation of the Trials of controverted Elections, or Returns of Members to serve in Parliament; and for expediting the Proceedings relating thereto.*

- 10 Geo. 3. c. 16. “ WHEREAS, by an act of parliament, passed  
 “ in the tenth year of the reign of his present  
 “ majesty, intituled, *An act to regulate the*  
 “ *trials of controverted elections, or returns*  
 “ *of members to serve in parliament*, certain  
 “ regulations were established, for a time therein  
 “ limited, for the trials of controverted elec-  
 “ tions, or returns of members to serve in par-  
 11 Geo. 3. c. 42. “ liament: And whereas, by an act passed in the  
 “ eleventh year of the reign of his present ma-  
 “ jesty, intituled, *An act to explain and amend*  
 “ *an act, made in the last session of parlia-*  
 “ *ment, intituled, An act to regulate the trials of*  
 “ *controverted elections, or returns of members*  
 “ *to serve in parliament*, further regulations  
 “ were made therein: And whereas the provi-  
 “ sions of the said acts were, by an act passed  
 14 Geo. 3. c. 15. “ in the fourteenth year of the reign of his pre-  
 “ sent majesty, continued and made perpetual:  
 25 Geo. 3. c. 84. “ And whereas, by an act passed in the twenty-  
 “ fifth year of the reign of his present majesty,  
 “ intituled, *An act to limit the duration of*  
 “ *polls and scrutinies, and for making other*  
 “ *regulations touching the election of members*

“ to serve in parliament, for places within <sup>42 Geo. 3. c. 8.</sup>  
 “ England and Wales, and for Berwick-upon-  
 “ Tweed; and also for removing difficulties  
 “ which may arise for want of returns being  
 “ made of members to serve in parliament, the  
 “ provisions of the said acts were extended, in  
 “ the manner therein mentioned, to petitions  
 “ complaining that no return had been made to  
 “ a writ issued for the election of a member or  
 “ members to serve in parliament, within the  
 “ times limited in the said act, or that such a  
 “ return was not a return of a member or mem-  
 “ bers, according to the requisition of the writ :  
 “ And whereas, by an act passed in the twenty- <sup>28 Geo. 3. c. 5.</sup>  
 “ eighth year of the reign of his present ma-  
 “ jesty, intituled, *An act for the further regu-*  
 “ *lation of the trials of controverted elections,*  
 “ *or returns of members to serve in parliament,*  
 “ certain other regulations were made for the  
 “ execution of the above-recited acts, and for  
 “ discouraging persons from presenting frivolous  
 “ or vexatious petitions, or setting up frivolous  
 “ or vexatious defences, in any of the cases  
 “ to which the said acts relate, and for the final  
 “ decision of questions respecting the rights of  
 “ voting at such elections, or of nominating or  
 “ appointing the returning officer or returning  
 “ officers who are to preside thereat : and where-  
 “ as it is expedient that further regulations  
 “ should be made for giving dispatch to the exe-  
 “ cution of certain parts of the said several acts,”  
 Be it therefore enacted, by the king’s most ex-  
 cellent majesty, by and with the advice and  
 consent of the lords spiritual and temporal, and  
 commons, in this present parliament assembled,  
 and by the authority of the same, that from and  
 after this present session of parliament, where

42 Geo. 3. c. 84.

When two or more petitions to be taken into consideration the same day, all the parties may be ordered to attend at the same time, and after 49 names drawn to form first committee,

49 to be drawn in like manner to form the second,

and so on *toties quoties*.

Nominees to be severally appointed, as if only one committee formed.

two or more petitions under and by virtue of the said recited acts, or any of them, are to be taken into consideration by the house of commons on the same day, it shall and may be lawful, after summoning the members, and counting the house, in the manner directed by the said recited acts, to order all the petitioners and other parties, by themselves, their counsel, or agents, to attend within the house at the same time, before the door shall be locked, and after the list of forty-nine names of the members present hath been drawn by lot, and completed, in order to form the first committee, according to the direction of the said recited acts, it shall and may be lawful to proceed forthwith, and before the door of the house shall be opened, except for the purpose hereinafter mentioned, to draw by lot, and complete in like manner, out of the same boxes or glasses, another list of forty-nine names of the remaining members present, in order to form the second committee, according to the said directions; and in the same manner to draw by lot and complete, successive lists of forty-nine names of the remaining members present, in order to form the third and fourth, or such other number of committees as may be requisite for the trial of such petitions; and the select committees for the trial and determination of such petitions, and the nominees thereto, shall then severally be appointed according to the rules, directions, and regulations of the said recited acts, in like manner as if only one list of forty-nine names had then been formed.

§ 2. Provided always, that it shall not nor

may be lawful to proceed, in manner aforesaid, to form successive lists, in order to form more than one of such committees, unless one hundred and twenty members shall be present in the house at the time of counting the same; nor to form successive lists, in order to form more than two such committees, unless two hundred members shall then be present in the house; nor to form successive lists, in order to form more than three such committees, unless two hundred and seventy members shall then be present in the house; nor to form successive lists, in order to form more than four such committees, unless three hundred and sixty members shall then be present in the house; nor to form successive lists, in order to form more than five such committees, unless four hundred and sixty members shall then be present in the house.

42 Geo. 3. c. 84.

Successive lists not to be formed for more than one committee, unless 120 members present, nor successive lists for more than two committees, unless 200 present; nor for more than three committees, unless 270 present; nor for more than four, unless 360 present; nor for more than five, unless 460 present.

§ 3. Provided always, that in case the house shall proceed, in manner aforesaid, to form successive lists, in order to form two or more such committees, and any member whose name is drawn shall be excused for some reason which applies especially to any one petition, the name of such member shall be returned into the box or glass from whence it has been taken, so that it may be again drawn by lot upon any of the following petitions.

Where successive lists formed for two or more committees, any member excused for a reason applying to only one petition, may be drawn upon others.

§ 4. Provided also, and be it further enacted, that if, upon drawing out the name of any member by lot upon one of such petitions, the petitioners or sitting members, or the agents, who shall have been ordered, under or by virtue of

Any member being drawn, and it being declared by a party ordered to attend upon another petition, that such

42 Geo. 3. c. 84.

member is intended for a nominee, upon his consenting so to be, his name to be set aside, and another drawn.

this act, to attend within the house upon any other petition, shall declare, that such member is intended to be one of the two nominees nominated by them respectively; and if such member shall consent to such nomination, the name of such member so drawn shall be set aside, and another member shall be drawn to supply his place, to complete the number of forty-nine to be drawn by lot.

Where two or more petitions to be taken into consideration on the same day, and by reason of insufficient attendance successive lists cannot be formed upon all, the house may proceed as far as enabled by the number present, and proceed to other business, &c.

and the orders, &c. to be adjourned.

§ 5. Provided also, that if two or more such petitions are to be taken into consideration on the same day, and it shall happen, by reason that a sufficient number of members liable to serve are not present in the house, that successive lists cannot be formed, in manner aforesaid, upon all such petitions; yet the house may nevertheless proceed to form the list or lists, and appoint the select committee or committees upon one or more such petitions, as far as they are enabled so to do by the number of members present, and may, after such appointment, proceed to any other business; and the order or orders for taking the remaining petition or petitions into consideration shall be adjourned, as directed by the said recited acts, in cases where petitions cannot be taken into consideration on the day appointed for want of sufficient attendance.

Parties, as soon as 49 names drawn to form committee, may withdraw, clerk appointed to attend may return re-

§ 6. Provided always, and be it further enacted, that it shall be lawful for the petitioners and other parties, and their counsel or agents, to withdraw from the house as soon as the lists of forty-nine names shall have been drawn, in order to form the committee for the trial of



such petition respectively; and for the clerk appointed to attend the said committee, to return the reduced list in the time intervening between any two ballots; and the members remaining upon any of the said reduced lists, together with the two members who shall be appointed as nominees, shall be sworn at the table, and shall be at liberty forthwith to depart from the house.

42 Geo. 3. c. 84.

duced list in the interval between any two ballots; members remaining on such lists, and nominees, may thereupon depart.

§ 7. Provided also, and be it further enacted, that when, on a complaint by a petition of an undue election or return, there shall be more than two parties before the house on distinct interests, or complaining or complained of upon different grounds, the thirteen members returned to the house, by virtue of the aforesaid act, passed in the eleventh year of his present majesty's reign, shall not choose their nominees until all the other select committees to be ballotted for on that day shall have been sworn: provided also, that if two or more committees shall be appointed on the same day, to decide on any petition whereon there shall be more than two parties as aforesaid before the house, the committee which shall have been first ballotted for shall have the preference in the choice of members to serve as nominees (a).


On petition when more than two parties before the house on distinct interests, &c. the 13 members returned by virtue of the 11 Geo. 3. c. 42, not to choose their nominees till all committees ballotted for on that day sworn.

If two or more committees appointed on the same day, to decide on petition where more than two such parties, committee first ballotted for to have preference in choosing nominees.

§ 8. And be it further enacted, that every such committee appointed for the trial and determination of any petition under and by virtue of the said recited acts, and of this act, shall or may be attended by a person well skilled in the art of writing short hand, who shall be espe-

Committees may be attended by a shorthand writer.

(a) See 47 Geo. 3. sess. 1. c. 1. § 2.

**42 Geo. 3. c. 84.**  cially appointed by the clerk of the house of commons for the time being, and sworn by the chairman faithfully and truly to take down, in short hand, the evidence adduced before the said committee, and from day to day, as occasion may require, to transcribe, or to cause the same to be transcribed, in words at length, for the use of the said committee.

Continuance  
of act.  
(Perpetual, by  
the 47 Geo. 3.  
sess. 1. c. 1.  
§ 1.)

§ 9. And be it further enacted, that this act shall continue in force two years, and from thence till the end of the session of parliament next after the expiration of the said two years, and no longer (a).



The Stat. 47 Geo. 3. Sess. 1. c. 1.

*An Act to revive and make perpetual, and to amend an Act, made in the forty-second Year of his present Majesty, for the further Regulation of the Trials of controverted Elections, or Returns of Members to serve in Parliament, and for expediting the Proceedings relating thereto.*

**42 Geo. 3. c. 84,** “ WHEREAS it is expedient that an act, made  
“ in the forty-second year of the reign of his

(a) For the stat. 42 Geo. 3. c. 106, “ *An act for regulating the trial of controverted elections or returns of members to serve in the united parliament for Ireland,*” see *ante*, cccxxxviii.

“ present majesty, intituled, *An act for the*  
 “ *further regulation of the trials of contro-*  
 “ *verted elections, or returns of members to*  
 “ *serve in parliament, and for the expediting*  
 “ *the proceedings relating thereto,* which was  
 “ to continue in force two years, and from  
 “ thence till the end of the session of parlia-  
 “ ment next after the expiration of the said two  
 “ years, and no longer, should be revived and  
 “ made perpetual:” Be it therefore enacted, by  
 the king’s most excellent majesty, by and with  
 the advice and consent of the lords spiritual and  
 temporal, and commons, in this present parlia-  
 ment assembled, and by the authority of the  
 same, that the said recited act shall, from and  
 after the passing of this act, be, and the same  
 is hereby revived, and the said recited act shall  
 be, and the same is hereby made perpetual.

47 Geo. 3. sess.  
1. c. 1.



revived and  
made perpe-  
tual.

§ 2. Provided always, and be it enacted, that  
 whenever, on any complaint by petition, under  
 or by virtue of any act or acts for the regulation  
 of the trials of controverted elections, or returns  
 of members to serve in parliament, it shall hap-  
 pen that the thirteen members returned to the  
 house of commons under the directions of the  
 said acts, or any or either of them, shall be en-  
 titled, by virtue of any regulations or provisions  
 in any of the said recited acts, to choose two  
 members or one member (as the case may require)  
 to be added to the thirteen members for the com-  
 pletion of the committee to try such petition, such  
 thirteen members shall not choose such two  
 members or one member to be added as afore-  
 said, until all the other select committees to be  
 ballotted for on that day (in the appointing of

Wherever the  
13 members  
are to  
choose nomi-  
nee or nomi-  
nees,

such choice not  
to be made un-  
til all commit-  
tees to be bal-  
lotted for on  
that day,  
wherein the

47 Geo. 3. sess.  
1. c. 1.

parties to ap-  
point nomi-  
nees are sworn,  
&c.

Committees  
where the 13  
are so to ap-  
point, to have  
preference in  
appointing no-  
minces accord-  
ing to order of  
ballot.

which the parties before the house shall name two members to be added to the members drawn by lot) shall have been sworn, if such committees, or any of them, can be completed: provided also, that if two or more committees shall be ballotted for on the same day, for the completion of which it shall happen that the thirteen members returned to the house shall be entitled to choose two members or one member as aforesaid, then the thirteen members on the committee or committees which shall have been first ballotted for, shall have the preference successively in choosing such member or members for the completion of such committee or committees (a).

(a) For the stat. 47 Geo. 3. sess. 1. c. 14, "*An act to amend several acts for regulating the trial of controverted elections or returns of members to serve in parliament, so far as the same relate to Ireland,*" see ante, ccclxxix.

# ORDERS, &c.

RELATING TO

## CONTROVERTED ELECTIONS.

*Orders of the House of Commons, among those repeated at the Commencement of every Session.*

*Ordered,* That all persons who will question any returns of members to serve in parliament, for any county, city, borough, or place in *Great Britain*, do question the same within fourteen days next, and so within fourteen days next after any new return shall be brought in.

Within what time petitions in respect of returns for places in Great Britain to be presented.

*Ordered,* That all persons who will question any returns of members to serve in parliament for *Ireland*, do question the same by presenting a petition to this house within fourteen days next, and so within fourteen days next after any new return shall have been brought into the office of the clerk of the crown of *Great Britain*, or by lodging a petition in the office of the clerk of the crown in *Ireland*, within fourteen days next, and so within fourteen days next after any new return shall have been brought into the said office of the clerk of the crown in *Great Britain*.

Within what time petitions respecting returns for places in Ireland, and how to be presented.

Steps to be taken by clerk of crown in Ireland when petition lodged;

When no petition lodged.

*Ordered,* That when any such petition shall have been lodged in the said office of the clerk of the crown in *Ireland*, within the time before limited, the said clerk shall forthwith make a copy thereof, to be preserved in the said office, and immediately thereupon shall transmit such original petition (in the method used in conveying returns of writs) to the speaker of the house of commons, to be by him laid before the house: and that in case no such petition shall have been lodged in the said office within the time before limited, the said clerk of the crown shall forthwith transmit a certificate in the like manner to the speaker of the house of commons, signed by himself, or his deputy, specifying the time when such return was made, and that no such petition had been lodged in his office previous to the date of such certificate.

Members returned for two or more places, when to make their election.

Members to withdraw during questions as to their return, &c.

*Ordered,* That all members, who are returned for two or more places in any part of the united kingdom, do make their election by this day three weeks for which of the places they will serve, provided there be no question upon the return for that place; and if any thing shall come in question touching the return or election of any member, he is to withdraw during the time the matter is in debate; and that all members returned upon double returns, do withdraw till their returns are determined.

# PETITIONS, &c.

RELATING TO

## CONTROVERTED ELECTIONS (a).

*Petition of a Candidte for an English Borough, complaining of the Admission of some Persons to the Freedom of the Borough, and of the Rejection of others; of the improper Admission and Rejection of Votes; of Partiality in the Returning Officer, and a premature Close of the Poll; of Bribery and Treating in the Sitting Member; and claiming the Right to have been returned.*

To the hon. the commons of the united kingdom of *Great Britain and Ireland*, in parliament assembled,

The humble petition of *H. L.*

*Sheweth,*

THAT at the last general election for two burgesses to serve in this present parliament for the borough of *Great Grimsby*, in the county of *Lincoln*, *William Ellice*, esquire, the honour-

(a) The precedents of petitions have been selected as containing the most various matter, and therefore as most likely to be useful. The author has been careful to insert no petition, whereupon the petitioner did not succeed, presuming of course that every objection would be made by the parties interested in doing so, and therefore those which follow have been considered unobjectionable.

able *Charles Anderson Pelham*, the honourable *George Anderson Pelham*, and the petitioner, were candidates; and that, on the 7th day of May last past, being the day previous to the day of the said election, a full court for the admission of freemen of the said borough was holden, of the mayor, aldermen, common councilmen, and burgesses, of the said borough, which was continued and holden, by adjournment, to and on the morning of the 8th day of May last past, and further continued and holden, by adjournment, to and on the afternoon of the said 8th day of May last past, being the said day of election for two burgesses to serve in this present parliament for the said borough of *Great Grimsby*; at which said full court, and at the adjournments thereof, *James Galland*, esquire, the mayor and returning officer of the said borough, did partially and corruptly, unlawfully, and of his own authority, and contrary to the decision of the majority of the said full court, then and there admit certain persons to their freedom of the said borough who were not legally entitled thereto, and did refuse to submit to the consideration and judgment of the said full court, and at the adjournments thereof, the rights of such persons to be admitted freemen or burgesses of the said borough, which by the last decision of a committee of the house, and by the constitution and usage of the said borough, he ought to have done; and that the said *James Galland*, the said mayor and returning officer of the said borough, did also partially, corruptly, and of his own authority, and contrary to the judgment of the said full court, refuse to admit certain other persons who were legally entitled to be, and claimed at the said full court and adjournment thereof to be, admitted bur-



gresses of the said borough, to their freedom therein; and did also refuse to submit to the said full court, and the adjournments thereof, the rights of such persons to be admitted to their freedom of the said borough; and which by the constitution and usage of the said borough he ought to have done; and that the said *James Galland*, the said mayor and returning officer, at and during the said full court, and the said adjournments thereof, did act partially and corruptly in the execution of his said office, and of his own authority did admit divers persons to their freedom of the said borough who were not legally entitled to be admitted thereto; and that divers other persons who had good right and title, and at the said full court, and adjournments thereof, legally claimed to be admitted to their freedom of the said borough, he did refuse to admit, and they were not admitted to their freedom of the said borough; and that, on the said 8th day of May, being the day of the said election for two burgesses to serve in parliament for the said borough of *Great Grimsby*, the said *James Galland*, esquire, the said mayor and returning officer of the said borough, did at the said election receive the votes of divers paupers, non-resident or foreign freemen, honorary freemen, burgesses not rated or paying rates, freemen not having rateable property, and divers others not legally entitled, and having no right to vote at the said election; that the votes of the said persons, which ought to have been rejected, were received on the poll by the said mayor for the said honourable *Charles Anderson Pelham*; and that the votes of divers other persons, who had good right and title to vote at the said election, and who then,

and there tendered their votes for the petitioner, and which votes ought to have been received and admitted on the poll taken at the said election, were nevertheless there rejected by the said *James Galland*, the said mayor and returning officer, and by him refused to be admitted on the said poll; and that on the said 8th day of May last past, being the said day of election for two burgesses to serve in parliament for the said borough of *Great Grimsby*, the said *James Galland*, the said mayor and returning officer, did adjourn the poll, by which it was ascertained that the said honourable *Charles Anderson Pelham* and the petitioner had an equal number of votes; that before the recommencement of the said poll an adjourned full court was holden for the further admission of freemen or burgesses to their freedom of the said borough, at which said adjourned court the said *James Galland* did wilfully and corruptly, partially and unlawfully, and of his own authority, admit to his freedom of the said borough a man who was not entitled thereto, and which the said *James Galland* was well acquainted was not entitled thereto, and whom he the said *James Galland*, the said mayor, with the majority of the said full court, in open court, had two or three times, but a few hours before the said adjournment, declared not to be entitled; and the said *James Galland* did partially and corruptly, unlawfully, and of his own authority, during the said adjournment of the said poll, and at the said adjourned full court, refuse to admit to their freedom of the said borough divers other persons who had legal right and title to be admitted, and although a few hours before the said adjournment took place they had been declared by the before-men-

tioned full court, upon a shew of hands and divisions, to have legal and just rights and titles to be admitted to their freedoms of the said borough of *Great Grimsby*, and to the said *James Galland*, the said mayor and returning officer, had before declared his knowledge of their rights to such freedom, and his intention to grant it when they required it, and this in open defiance of the last decision of a committee of the house, and contrary to the long and established usage and customs of the said borough of *Great Grimsby*; and that on the said 8th day of May last past, being the day of the said election for two burgesses to serve in parliament for the said borough of *Great Grimsby*, the said *James Galland*, the said mayor and returning officer, did act most partially and corruptly at and during the taking of the said poll in adjourning the said poll, and at and after the recommencement of the said poll, when it was ascertained that the said honourable *Charles Anderson Pelham* and the petitioner had an equal number of votes, and that he then allowed a person to vote for the said honourable *Charles Anderson Pelham*, well knowing at the same time, that, by the constitution of the said borough, he was not entitled to vote, and whom a few hours previous, and before the state of the said poll was known, he the said *James Galland*, and the court, had refused his freedom, declaring that he was not entitled thereto; and although the petitioner had several votes tendered for him after such recommencement of the said poll that had before been declared by the said full court legally entitled, yet the said *James Galland*, the said mayor and returning officer, after the state of the said poll was made

public, did refuse to allow, and of his own authority did partially resist, their being put upon the said poll for the petitioner, in order that the said honourable *Charles Anderson Pelham* might be returned a burgess to serve in this present parliament for the said borough of *Great Grimsby*; and that he the said *James Galland*, the said mayor and returning officer, did most partially and corruptly, illegally, and of his own authority, close the said poll after the said adjournment, in a shorter period than he ought to have done, and particularly when he was acquainted, by counsel on behalf of the said petitioner, that he had a voter or voters coming forward to poll for the said petitioner, and who actually did so before the time limited, but the said *James Galland*, the said mayor and returning officer, had closed the said poll, and declared the said honourable *Charles Anderson Pelham* duly elected a burgess to serve for the said borough of *Great Grimsby*, in this present parliament; and that the said honourable *Charles Anderson Pelham*, by himself, his agents, managers, friends, and others on his behalf, before, at, and during the said election, and before, at, and during the poll taken during the said election, was guilty of the most notorious and open acts of bribery and corruption of the electors of the said borough that ever disgraced a *British* election, greater in magnitude than in any instance that ever preceded it in the annals of election, both as to the sums given and offered; and the numbers bribed and attempted to be so, in order to influence the said electors of the said borough to give their votes for him the said honourable *Charles Anderson Pelham*, and to refuse and forbear to give their

votes for the petitioner, and also of attempting and endeavouring to bribe and corrupt the voters of the said borough of *Great Grimsby* to give their votes for the said honourable *Charles Anderson Pelham*, and to refuse and forbear to give their votes for the petitioner, in order that he the said honourable *Charles Anderson Pelham* might be returned a member to serve in this present parliament for the said borough of *Great Grimsby*; and that the said honourable *Charles Anderson Pelham* did, after the dissolution of the last parliament, and at and after the issuing of the writ for electing of the present parliament, and at and during the said election, by himself, his agents, friends, managers, and others, on his behalf, and at his cost and charge, give, present, and allow, to divers persons having, and claiming to have, voices in the said election, money, meat, drink, entertainment, and provision, and make presents, gifts, rewards, and entertainments, and promises, agreements, obligations, and engagements, to give and allow money, meat, drink, provisions, presents, rewards, and entertainments, to and for divers persons having voices in the said election, and to and for the use, advantage, benefit and emolument, profit and preferment, of such persons, in order to be elected, and for being elected, burgesses to serve in this present parliament for the said borough of *Great Grimsby*, in violation and defiance of the standing order and orders of the house, and of the laws and statutes of this kingdom, for preventing treating at elections of members of parliament, and particularly the acts of the 7th and 8th years of the reign of his late majesty king *William the third*, for preventing charge and expence in

elections of members to serve in parliament; and that the said honourable *Charles Anderson Pelham*, by himself, his agents, managers, and by other persons in his behalf, both before, and at and during the said election, did, by gifts and rewards, and by threats, promises, agreements, and securities for gifts and rewards, corrupt and procure, and attempt and endeavour to corrupt and procure, divers persons, being electors of the said borough, to give their votes at the said election for him the said honourable *Charles Anderson Pelham*, that he the said honourable *Charles Anderson Pelham* might be elected and returned a member in this present parliament to serve for the said borough of *Great Grimsby*; and that he the said honourable *Charles Anderson Pelham* also, by himself, his agents, managers, and by other persons in his behalf, both before, and at and during the said election, did, by gifts and rewards, and by threats, promises, agreements, and securities for gifts and rewards, corrupt and procure, and attempt and endeavour to corrupt and procure, divers persons, being and claiming to be electors of the said borough of *Great Grimsby*, to refuse and forbear to give their votes at the said election for the petitioner, in order that he the said honourable *Charles Anderson Pelham* might be elected and returned a member to serve in this present parliament for the said borough of *Great Grimsby*; and that, by the aforesaid means, and divers other illegal and corrupt practices, and by undue influence and interference, the said honourable *Charles Anderson Pelham* obtained a colourable majority over the petitioner of one vote, on the poll taken at the said election, on the said 8th day of May last past, and was ille-

gally returned a burgess to serve in this present parliament for the said borough of *Great Grimsby*, to the great prejudice of the petitioner, who was duly elected by a majority of legal votes given or tendered for the petitioner, who ought to have been returned a burgess with the said *William Ellice*, esquire, to serve in this present parliament for the said borough of *Great Grimsby*, in open defiance of the laws and freedom of election, and particularly of the act for more effectually preventing bribery and corruption at the election of members to serve in parliament; and therefore praying the house to take the premises into consideration, and that the petitioner may obtain such relief in the premises as to the house may seem meet.—See 62 *Journ.* 579; 63 *Journ.* 117, 118.

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*Petition of one of two Candidates for an English Borough, returned upon a double Return, complaining that illegal Votes had been received, which made an apparent Equality upon the Poll, and that Petitioner ought to have been returned singly.*

THAT, at the last election of a burgess to serve in parliament for the borough of *Banbury*, in the county of *Oxford*, made on the 5th. of May, 1807, *William Praed*, esq. and the petitioner were candidates; and that, at the said election, a majority of legal votes was offered

in favour of the petitioner above the said *William Praed*; but *Richard Chapman*, the mayor of the said borough, who presided as the returning officer at the said election, received the votes of several persons on the poll, in favour of the said *William Praed*, who had no right to vote at the said election; by which means the said *William Praed* appears on the poll to have an equal number of votes with the petitioner; and the said *Richard Chapman* hath unjustly made a return of the said *William Praed*, and of the petitioner, as having an equal number of votes; whereas the petitioner had a majority of legal votes, and was duly elected, and ought to have been returned as so elected; and therefore praying, that the house will take the premises into their consideration, and grant him such relief as they shall think proper.—See 6<sup>2</sup> Journ. 7th July, 1807.

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*Petition of a Candidate for a County in Scotland, complaining of the improper Admission and Rejection of Votes in the Election of Preses, and Clerk; that Persons had been declared duly elected as Preses and Clerk, who had not the legal Majority, and that the Person so declared Preses had improperly admitted and rejected Votes, and had returned the Sitting Member, and alledging that Petitioner was duly elected, and declared so to be by the legal Preses.*

THAT the petitioner and *Patrick Heron*, esq. were candidates at the last election of a com-



missioner to serve in parliament for the stewartry of *Kirdcudbright*, in *Scotland*, and at the meeting for such election, which was held on the 23d day of July last; it was the duty of the said *Patrick Heron*, (who was then present), as the commissioner last elected to serve in parliament for the said stewartry, to call over the roll of electors, in order to the election of preses and clerk of the said meeting, and in calling over the said roll, and other proceedings, for such election of preses and clerk, the said *Patrick Heron* was guilty of great partiality and injustice, and did various illegal and unwarrantable acts, and permitted such illegal and unwarrantable acts to be done by the freeholders in his interest, and by his agents and counsel present at the said meeting; and the said *Patrick Heron*, in calling over the said roll, refused or omitted the votes of several freeholders, whose names were upon the said roll, and who were entitled by law to vote in the said election of preses and clerk, and who thereupon actually tendered their votes, under protest, for *John Gordon*, esq. of *Kenmore*, to be preses, and *Mr. James Niven*, writer, in *Kirkcudbright*, to be clerk of the said meeting; and the said *Patrick Heron* also unjustly and illegally struck out or erased the names of some of such freeholders from the said roll; and the said *Patrick Heron*, in calling over the said roll, also received the votes of several persons who were by law incapacitated from voting, and whose votes were received by the said *Patrick Heron*, for *Richard Alexander Oswald*, esq. of *Auchencruive*, to be preses, and *Mr. Robert Gordon*, writer, in *Kirdcudbright*, to be clerk of the said meeting; and the said

*Patrick Heron*, having declared that said *Richard Alexander Oswald* and *Robert Gordon*, were duly elected preses and clerk of the said meeting ; and having signed the minutes of such election accordingly, the said *Richard Alexander Oswald* and *Robert Gordon*, took upon themselves to act as preses and clerk of the said meeting, although the said *John Gordon* and *James Niven* had a majority of legal votes, and were duly elected preses and clerk of the said meeting ; and the said *Patrick Heron* should have declared them to be duly elected, and should have signed the minutes of such election, and they should have been permitted to act as preses and clerk of the said meeting accordingly ; and that, in proceeding to make up and adjust the roll of electors after the said meeting was thus constituted by the choice of preses and clerk, several other freeholders in the interest of the petitioner, who were by law entitled to remain upon the said roll, and to give their votes in all questions in adjusting the said roll, and in the election of a member to serve in parliament, were struck off or left out of the said roll by the said *Richard Alexander Oswald* and *Patrick Heron* ; and the other freeholders in his interest, and other persons in the interest of the said *Patrick Heron*, who ought by law to have been struck off, or left out of the said roll, were, by the said *Richard Alexander Oswald*, *Patrick Heron*, and other freeholders in his interest, continued upon the said roll, and allowed to vote in all questions, in adjusting the said roll, and in the election of a member to serve in parliament, notwithstanding the objections made thereto by the petitioner, and the other freeholders in his interest ;

and other persons, who had no right by law to be inrolled, were also unjustly and illegally added to and put upon the said roll, by the said *Richard Alexander Oswald* and *Patrick Heron*, and the freeholders in his interest; and some freeholders in the interest of the petitioner, who were by law clearly entitled to be added to, and put upon, the said roll, and who then duly claimed the same, were, nevertheless, by the said *Richard Alexander Oswald* and *Patrick Heron*, and the freeholders in his interest, refused to be inrolled; in all which proceedings, great and manifest partiality and injustice were shewn and done by the said *Richard Alexander Oswald* and *Patrick Heron*, and the freeholders in his interest; and that, after such proceedings as aforesaid had taken place, the said *Richard Alexander Oswald* did not, in the election of the member to serve in parliament, call for or receive the votes of the several freeholders in the interest of the petitioner, who had been struck off, or left out of the said roll, or refused to be added thereto in manner aforesaid, but rejected and refused all such votes, although such several freeholders duly tendered the same for the petitioner; and the said *Richard Alexander Oswald*, called for and received the votes of the several other persons aforesaid, who ought to have been struck off, or left out of the said roll, or refused to be added thereto, in manner aforesaid, and who then gave their votes for the said *Patrick Heron*, although the petitioner, and other freeholders in his interest, duly objected to and protested against the same; and the said *Richard Alexander Oswald* thereupon declared the said *Patrick Heron* to be duly elected; and that, by the means aforesaid,

and other illegal practices, the said *Patrick Heron* hath procured himself to be returned member for the said stewartry, in prejudice of the petitioner, who had the majority of legal votes, was duly elected, and declared by the said *John Gordon*, the legal preses of the said meeting, so to be, and ought to have been returned; and therefore praying the house to take the premises into their consideration, and to grant the petitioner such relief, as to the house shall seem meet.—*See 58 Journ. 19. 400, 401.*

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*Petition of a Candidate for a City in Ireland, stating the Constitution of the City, and Right of Election; and alledging, that through the undue Influence of the Sitting Member, &c. Persons, not intitled, were admitted to their Freedom by the Council; that the Information of quo Warranto had been filed against such Council for so doing, to which they had not pleaded, &c.; that Persons who were entitled to their Freedom, had been refused the same, and Writs of Mandamus for their Admission disobeyed; that the Returning Officers had illegally received and rejected Votes; that Petitioner ought to have been returned, he having the legal Majority; and that the Sitting Member had been guilty of Bribery and Corruption.*

THAT the city of *Waterford* is of great extent, population, and commerce, and that the

freemen and freeholders thereof return one member to represent that city in the imperial parliament; and that, by various letters patent, granted by their late majesties king *Charles* the first, and king *Charles* the second, and others, his majesty's predecessors, kings of *England* and *Ireland*, their said majesties did order, will, grant, and appoint, that the city of *Waterford* should for ever thereafter be a free city of itself; and that the said charters also give, grant, and ordain, that the citizens of the said city, as also the mayor, sheriffs, and citizens of the county of the said city, and all and singular the citizens, inhabitants, and residents, within the said city, and the liberties thereof, shall be for ever one body corporate and politic; and that the said charters, or some or one of them, also grant and give to the mayor, sheriffs, and citizens of the said city, certain great customs, called coquet, arising in the said city, saving and reserving to the crown the little custom, (that is to say), the payment of three pence in the pound, for all merchandize imported and exported, to be paid by alien merchants only, and not by the citizens of *Waterford*; and also saving and reserving the custom or subsidy on poundage, (that is to say), the payments of twelve pence in the pound, for all merchandize imported and exported, or be paid as well by merchants who are natural-born subjects, as alien merchants; but the citizens and inhabitants of *Waterford*, who are or shall be free of the said city, by right of birth, marriage, or apprenticeship, and dwelling within the said city, or county of the said city, and not otherwise or in any other manner excepted; and that the right of admitting persons, qualified to be

admitted to the freedom of the said city, is vested in the mayor, sheriffs, and citizens, in council assembled, the said city having been incorporated by the name of the mayor, sheriffs, and citizens of the said city of *Waterford*; and that the right of voting on the election of a representative to serve in parliament for the city of *Waterford*, is vested in the freemen and freeholders thereof; and that the sheriffs of the said city, for the time being, are the returning officers for such elections; and that the council consists of forty members, viz. of nineteen aldermen, of whom the mayor is one, and of twenty-one common councilmen, of whom the sheriffs are two; and that the mayor, for the time being, is an integral part of such council; and that the resident sons, and sons-in-law, of freemen of the said city, and persons who have served a regular apprenticeship within the same, to freemen thereof, such persons being resident therein, are of right entitled to their freedom; but by the letter, spirit, and object of the charters of the said city, by its ancient usages and customs, and by the several statutes relating to cities and their franchise now of force in *Ireland*, no person, howsoever in other respects entitled, ought to claim, or to be admitted to the freedom of the said city, unless, at the time of such claim or admission, he is residing and inhabiting within the said city, or the liberties thereof; and that the election of a member to serve in parliament for the said city, commenced on the 24th day of July, 1802, *Samual Morgan*, esq. being then the mayor of the said city, and *John Denis* and *Edward Weeks*, esqrs. then sheriffs of the said city, and as such the returning officers at such elections;

and that *William Congreve Alcock*, esq. and the petitioner, were the only candidates; and that, by the undue means hereinafter mentioned, the said *W. C. Alcock* obtained a majority of thirty-one votes on the poll, which continued sixteen days, at the close of which poll, the number of admitted votes for the said *W. C. Alcock*, was declared to be 471, and for the petitioner 440, whereupon the said *W. C. Alcock* was returned accordingly to serve in parliament for the said city, in prejudice of the petitioner, (who was duly elected, and ought to have been returned), and of the legal electors of the said city, and in open defiance of the law and freedom of elections; and that the said *W. C. Alcock*, and the petitioner, are members of the aforesaid council or corporation of the said city; and that the majority of the said council, with the mayor, who presides therein, have been for several months past completely under the influence and dominion of the said *W. C. Alcock*, which influence, by him unduly exerted, has induced the said council to commit many illegal and unwarrantable acts, in order to procure his return at the said election, to the prejudice of the petitioner; and that accordingly the said council, for the purpose aforesaid, in compliance with the wishes of the said *W. C. Alcock*, have, at divers meetings held since the 20th day of January, 1802, illegally and improperly assumed and exercised the power of admitting by favour to the freedom of the said city, several hundred persons, not resident or inhabiting therein, and therefore not entitled or admissible to the same, the persons so admitted being, as the petitioner begged leave to repre-

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sent, the zealous friends of the said *W. C. Alcock*, and previously pledged to vote for him on the said election, and created for that particular purpose and occasion; and that by the 29th section of the 29th chapter of an act of parliament, passed in *Ireland*, in the 35th year of his present majesty's reign, it is enacted, that no person shall vote as a freeman, at the election of a member to serve in parliament, whose freedom shall not have come to him by service, birthright, or marriage, unless admitted, or his freedom granted to him six calendar months at least before the teste of writ for holding such election, by force whereof the friends of the said *W. C. Alcock*, who had been so admitted to their freedom, by special favour, within six months before the teste of the writ for holding the said election, being disqualified; and the said *W. C. Alcock*, well knowing that the petitioner had the support of an unquestionable majority of legal freemen, a council was held on the 23d day of July, 1802, long after the writ to hold the election had issued, and the very day before the poll commenced, wherein 106 persons, the friends of the said *W. C. Alcock*, were admitted to their freedom for the express purpose of serving the said *W. C. Alcock*, by their votes on the said election, and for that occasion merely; in proof whereof the petitioner shewed, that on the said 23d day of July, many persons, who had been previously admitted to their freedom by special favour, and between whose admission and the teste of the writ, six months had not elapsed, were re-admitted as of right, on spurious and fabricated claims, in order to bring them within the exception of the aforesaid section of the statute;



and the petitioner further shewed, that persons not residing in the said city, whose petitions had been previously rejected because of their non-residence, were, at the said council, held on the said 23d day of July, then admitted as of right; and the said council were so zealous to promote the views of the said *W. C. Alcock*, as to admit those in his interest, claiming on any pretence of right, however ridiculous or absurd, and several persons were then admitted to their freedom, under derivative titles, in right of birth, marriage, and apprenticeship, before the original titles, under whom they respectively claimed, were completed; and that many persons, claiming in right of apprenticeship, served to the most noble the marquis of *Waterford*, in various parts of *Ireland*, to learn the art of music, were, upon the said 23d day of July, improperly enrolled among the freemen of the said city; that most of those occasional freemen were non-residents; that the claims of all of them were either unfounded or uninvestigated; which illegal conduct of the council, in admitting non-residents, and in creating occasional voters as aforesaid, was highly prejudicial to the petitioner, and the legal electors of the said city, at the said last election; and that the said *J. D.* and *E. W.* the sheriffs of the said city, and returning officers as aforesaid, illegally received the bad votes of persons, illegally admitted and created as aforesaid, for the said *W. C. Alcock*, and also illegally permitted minors and freeholders, who had not been duly registered, and persons who pretended to be freeholders, and Roman catholics, not producing a legal and proper certificate of qualifications to

vote at the said election, on behalf of and for the said *W. G. Alcock*; and that, in consequence of the aforesaid partial and illegal conduct of the said council, so injurious to the rightful electors of the said city, a motion was made on their behalf in his majesty's court of king's bench in *Ireland*, in the month of February, 1802, for liberty to file an information, in the nature of a writ of *quo warranto*, against the mayor, sheriffs, and citizens, of the said city, to shew by what authority they claimed to admit persons, not residing or inhabiting therein, to the freedom of the said city; and that a conditional order was then obtained, when, after great delay on the part of the corporation, cause was shewn against making the same absolute, which cause the court thought fit to disallow, and make the said rule absolute; and though one information has been filed since the month of June, 1802, it has not as yet been pleaded to by the counsel, nor has it deterred or prevented them from proceeding in the illegal manner complained of; and further, that the aforesaid counsel have also illegally refused to admit many persons to their freedom, who claimed to be admitted, in the several rights of birth, marriage, and servitude, and were then actually residing within the said city, or the liberties thereof; and who, in support of such rights, had, according to the usual and known customs of the said city, previously presented their petitions, claiming to be admitted to the freedom of the said city, to *S. M. esq.* then mayor, who illegally rejected, or declined to examine, such petitions and claims, although repeatedly called upon by them, and by the petitioner, and other members of the corporation,

in council, to take the same into consideration; and further, that in consequence of the conduct of the said mayor and council, in rejecting or declining to investigate the petitions and claims of many persons legally, and of right, entitled to their freedom, and who had demanded the same, according to the usage and custom of the said city, writs of mandamus were obtained from his majesty's court of king's bench in *Ireland*, and served upon the mayor in the months of June and July, 1802, in order to compel the admission of the several persons, who had respectively sued out such writs, to their freedom, but without effect, their admission being hitherto withheld by the mayor and council, through the aforesaid undue influence of the said *W. C. Alcock*; and that the council, on the aforesaid 23d day of July, and on the several preceding council days, peremptorily refused to take into consideration the petitions of rightful claimants, so duly presented, or to attend to the several writs of mandamus, which, previous thereto, were in the hands of the mayor, commanding them to admit and swear the several persons named therein; and that a great number of persons, who were of right entitled to their freedom, who had duly petitioned and claimed to be admitted to the same, and many of whom had also sued out writs of mandamus as aforesaid, commanding their admission, and all of whom had previously offered to perform the usual requisites, and pay the usual fees, upon such admissions, did, at the said election, tender their votes for the petitioner to the said returning officers, who illegally rejected their said votes, and refused to receive them on the poll, on behalf of the petitioner, contrary to

their rights, and in defiance of the law and freedom of election, and to the prejudice of the petitioner, and the legal franchise of the electors of the said city ; and that the said returning officers also illegally rejected the votes of several other freemen and freeholders of the said city, on behalf of the petitioner, on pretence of minority, of defect in the form of their admissions, want of qualifications, and undue registry, all which pretences were utterly false and groundless ; and that, independent of objections to individual votes, given for the said *W. C. Alcock*, the petitioner conceived that, on every possible view of this case, the petitioner was legally entitled to the return ; for, if the votes of all the non-resident freemen, who were illegally received on the poll, on behalf of the said *W. C. Alcock*, were struck off, there would remain a majority in favour of the petitioner ; or, if all the persons unduly, partially, and occasionally, admitted to their freedom, upon the said 23d day of July, and whose votes were illegally received on the poll, on behalf of the said *W. C. Alcock*, were struck off, the petitioner would have a majority of forty-six ; or, if all the persons clearly entitled to their freedom, who had petitioned, in due time, to be admitted upon the corporation books, and who exerted themselves to have their claims considered by the councils, which sat previous to the election, or who had sued out writs of mandamus to compel their admission, and who tendered their votes for the petitioner, had been received upon the poll, the petitioner would have a majority of sixty-five ; and further, that the said *W. C. Alcock*, by himself and his agents, after the dissolution of the last parlia-

ment, and the issuing of the writ for the said election, and previous to and during the poll, was guilty of bribery, corruption, and undue influence, and did unduly pervert the powers and patronage of the corporation to election purposes, in order to procure himself to be returned as the person duly elected; and the petitioner, therefore, submitted to the house, that the said election and return of the said *W. C. Alcock*, is an illegal election and return, and that the petitioner was entitled to be returned as the legal representative of the said city of *Waterford*; and therefore prayed, that he might be heard by his counsel, touching the several allegations and matters complained of in that his petition, and have such relief in the premises as to the house might seem meet.

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*Petition of Persons claiming to have had a Right to vote at an Election, to be admitted Parties in the Room of a Member having given Notice of his Intention not to defend his Seat, under the 28 Geo. 3. c. 52. § 2, 3, & 4. (a)*

THAT your petitioners are, and at the last election of knights of the shire for the county of S., were freeholders of the said county, and claim to have had a right to vote at the said election, wherein *J. F. esq.* was elected and returned to serve in parliament, as one of the knights of the shire for the said county.

(a) *Ante*, ccccxix. ccccx.

That your petitioners are informed, that a petition, signed by *W. S.* esq. therein describing himself a candidate at the said election, and another petition signed by *J. M. L. R. H. T. R. K.* esqrs. the reverend *E. C.* clerk, *F. H. N.* esq. and *J. C.* esq. therein describing themselves freeholders of the said county, have been presented to this honorable house, complaining, among other things, of the said election and return of the said *J. F.*

That your petitioners have observed, by a notice inserted in the *London Gazette*, on the 16th day of February last, by order of the right honorable *C. A.* speaker of this honorable house, that after the presenting the said petitions, the said *J. F.* then being one of the sitting members for the said county, did, on the 15th day of February, under and by virtue of the provisions of an act of parliament, passed in the 28th year of the reign of his present majesty, intituled, "*An act for the further regulation of the trials of controverted elections, or returns of members to serve in parliament,*" inform this honorable house, by a declaration in writing, subscribed by the said *J. F.* and delivered in at the table of this honorable house, that it was not his intention to defend his said election or return.

Your petitioners therefore humbly pray, that, under and by virtue of the provisions of the said act of parliament, they may be admitted as parties in the room of the said *J. F.* and be considered as such to all intents and purposes whatever.—See 63 *Journ.* 15th *March*, 1808.

*Petition of certain burgage Tenants of an English Borough, to be admitted as Parties to oppose the Right of Election, reported by Select Committee (a).*

THAT at the election of burgesses to serve in parliament for the borough of *Saltash*, in the county of *Cornwall*, held on or about the 5th day of November, 1806, the petitioners, *Arthur Champernowne* and *Matthew Russell*, and also the honorable *Richard Neville* and *William Henry Fremantle*, esq. were candidates to represent the said borough in parliament; and that the mayor of the said borough, who acted as returning officer, conceiving the petitioners, *Arthur Champernowne* and *Matthew Russell*, to have a considerable majority of legal voters at such election, returned the petitioners, *Arthur Champernowne* and *Matthew Russell*, as duly elected to serve in parliament, as burgesses for the said borough of *Saltash*, against which return two petitions were presented to the house; one by and on the behalf of the said *Richard Neville* and *William Henry Fremantle*, and the other by and on the behalf of *Nicholas Vincent*, an admiral in his majesty's navy, *John Scott*, esq. the reverend *Robert Hughes*, clerk, *Edmund Herring*, *John Smith*, and *Edmund Nepean*, gentlemen, stating, among other things, that the said *Richard Neville* and *William Henry Fremantle*, were duly elected, and ought to have been returned as burgesses to serve in parliament for the said borough of *Saltash*, and praying such relief as to the house should seem meet; and that on Wednesday, the 28th day of January last, a select committee of the house was appointed to

(a) See 28 Geo. 3. c. 52. § 25, 26, &c. ante, ccccxv.

try the merits of the said petitions; and that the said committee, on the hearing of the said petitions, required the counsel for the several parties, to deliver to the clerk of the said committee, statements, in writing, of the several rights of election, for which they respectively contended; and that, in consequence thereof, the counsel for the petitioners, the said *Richard Neville* and *William Henry Fremantle*, and also for the said several other petitioners, delivered in a statement as follows: that the right of voting for members to serve in parliament, for the borough of *Saltash*, is in the mayor and free burgesses of the borough of *Saltash*, being members of the corporation within the same; and that the counsel for the said sitting members, *Matthew Russell* and *Arthur Champernowne*, delivered in a statement as follows: that the right of election of members to serve in parliament for the borough of *Saltash*, in the county of *Cornwall*, is in every person seised of an estate for life, or some greater estate, in an entire ancient burgage tenement, situate within the borough aforesaid, whereon an ancient dwelling-house now stands, or formerly stood, and in no other persons; and that upon the statement delivered in by the counsel for the then sitting members, the said committee determined, that the right of election, as set forth in the said statement, is not the right of election for the said borough of *Saltash*; and that upon the statement delivered in by the counsel for the said several petitioners, the said committee determined, that the right of election, as set forth in the said statement, is the right of election for the said borough, so far as the said right is therein described; and



that the said committee, having considered the said statements and evidence adduced before them, touching the right of election for the said borough of *Saltash*, did determine, "That the right of voting for members to serve in parliament, for the borough of *Saltash*, is in the mayor and free burgesses of the borough of *Saltash*, being members of the corporation within the same, and in no other persons;" and that the petitioners are not satisfied with the said resolutions and determinations of the said select committee, and are advised that the same are contrary to law, and are desirous of being admitted parties to oppose the said right of election, deemed valid in the judgment of the said select committee as aforesaid, and to support and establish the said right of election, for which the petitioners, *Arthur Champernowne* and *Matthew Russell*, contended before the said select committee, and which was negatived by the said select committee, or such other right as shall be consistent with law, and to have the benefit of the statutes in that behalf made and provided, and therefore praying the house to take the premises into their consideration; and that the petitioners may be admitted as parties to oppose the said right of election, which was deemed valid in the judgment of the said select committee, and to support and establish the said right of election, for which the petitioners, *Matthew Russell* and *Arthur Champernowne*, contended before the said select committee, or such other right as shall be consistent with law; and that the house will be pleased to grant such relief to the petitioners as to the house shall seem meet, and the justice of the case may require.—62 *Journ.* 581.—63 *Journ.* 88.

*Resolutions and Orders of the House of Commons, as to taking Petitions into Consideration.*

4 May, 1772.

Attendance of members not to be solicited.  
33 Journ. 726.

*Ordered,* That no person do presume to solicit the attendance of members of this house, when the matter of any petition, complaining of an undue election or return is ordered to be taken into consideration.

6 December, 1774.

Petitions to be received without a question put.  
35 Journ. 10.

*Resolved,* That according to the true construction of the act of the 10th year of the reign of his present majesty, whenever a petition, complaining of an undue election or return of a member to serve in parliament shall be offered to be presented to the house, within the time limited by the order of the house for questioning the returns of members to serve in parliament, the said petition shall be delivered in at the table and read, without a question being put thereupon.

Classing petitions.  
35 Journ. 16.

*Resolved,* That whenever more than one petition, complaining of an undue election or return for the same or for different places, shall at the same time be offered to be presented to the house, Mr. Speaker shall direct such petitions to be all of them delivered in at the table; and the names of the counties, cities, boroughs,

or places to which such petitions shall relate, shall be written on several pieces of paper of an equal size; and the same pieces of paper shall be then rolled up, and put by the clerk into a glass or box, and then publicly drawn by the clerk; and the said several petitions shall be read in the order in which the said names shall be drawn respectively.

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31 October, 1775.

*Resolved*, That whenever several petitions, complaining of undue elections and returns, shall be renewed in this session of parliament, and shall be delivered in together at the table, the said petitions shall be read in the order in which they were directed to be taken into consideration in the last session.

Order of reading renewed petitions.  
35 Journ. 407.

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7 November, 1780.

*Resolved*, That when several petitions, complaining of undue elections or returns of members to serve in parliament, shall at the same time be offered to be presented to the house, Mr. Speaker shall direct such petitions to be all of them delivered in at the table, where they shall be classed and read in the following order, viz. such petitions as complain of double returns in the first class; such as complain of the election or return of members returned to serve for two or more places, in the second class; and the residue of the said petitions in the third: and the names of the places to which such petitions (contained in the first class, if more than

Classing petitions.  
38 Journ. 11.

one) shall relate, shall, in the first place, be written on several pieces of paper of an equal size, and the same pieces of paper shall be then rolled up, and put by the clerk into a box or glass, and then publicly drawn by the clerk, and the said petitions shall be read in the order in which the said names shall be drawn: and then the like method shall be observed with respect to the several petitions contained in the second and third classes respectively.

25 May, 1784.

Classing petitions for taking into consideration.  
40 Journ. 11.

*Resolved*, That whenever several petitions, complaining of undue elections or returns of members to serve in parliament, shall at the same time be offered to be presented to the house, Mr. Speaker shall direct such petitions to be all of them delivered in at the table, where they shall be classed and read in the following order, viz. such petitions as complain of double returns, in the first class; such as complain of the election or return of members returned to serve for two or more places, in the second class; such as complain of returns only, in the third class; and the residue of the said petitions in the fourth class: and the names of the places to which such petitions (contained in the first class, if more than one) shall, relate, shall, in the first place, be written on several pieces of paper of an equal size, and the same pieces of paper shall be then rolled up, and put by the clerk into a box or glass, and then publicly drawn by the clerk; and the said petitions shall be read in the order in which the said names shall be drawn: and then the like method shall

be observed with respect to the several petitions contained in the second, third, and fourth classes respectively.

*The Speaker's Notice of taking Petition into Consideration.*

WHEREAS, by an order of the house of commons, the matter of the petition of *A. B.* complaining of an undue election and return for the county of \_\_\_\_\_, is appointed to be taken into consideration by the said house upon the \_\_\_\_\_ day of \_\_\_\_\_, at three of the clock in the afternoon; you are therefore to take notice, that the house will at that time take the said petition into consideration. Given under my hand the \_\_\_\_\_ day of \_\_\_\_\_, 1808.  
C. A. speaker (a).

(a) If it is a deferred time, of election, or to be admitted the notice is shaped accordingly. So if the petition be to defend a return upon the sitting member dying, or declining to defend his seat. to oppose the reported right

*The Speaker's Appointment of Examiners of Sureties under the 28 Geo. 3. c. 52. § 5; and their Appointment of Time and Place for the Examination.*

**C. A. speaker (a).** ,

(a) A copy of the speaker's order is procured by application to the clerk of the examiners.

By virtue of Mr. Speaker's order, (of which the above is a copy), and on the application of the agent for *A. B.* esq. the petitioner therein mentioned, we do appoint \_\_\_\_\_ next, the \_\_\_\_\_ day of this instant \_\_\_\_\_, at \_\_\_\_\_ of the clock in the afternoon, in one of the committee-rooms belonging to the house of commons, for the examination of the sufficiency of the sureties referred to in the said order; of which due notice is to be given, according to the resolution of the house of commons of the 11th February, 1789 (*a*). Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1807.

***John Ley.***  
***Nicholas Smith.***

**(a) The resolution alluded to in the above appointment:**

“ *Resolved*, That for the due execution of an act, passed in the twenty-eighth year of the reign of his present majesty, intituled, *An act for the further regulation of the trials of controverted elections, or returns of members to serve in parliament*, so far as the said act respects the recognizance thereby required to be entered into by any person having presented a petition to this house, complaining of an undue election or return, or of the omission of a return, or of the insufficiency of a return, it is expedient that the examiners of sureties, to be appointed by virtue of the said act, should attend (for the purpose of examining the sufficiency of any surety or sure-

ties, to be named in any such recognizance) in one of the committee-rooms belonging to this house, at such time or times, within the time limited by the said act, as shall be appointed by such examiners, on application made by any such petitioner, or his agent, to the clerk, or clerk-assistant of this house; and that such petitioner do give due notice of the time and place of such intended examination, together with the names, additions, and places of abode, of such sureties, to the sitting member or members, whose election or return is complained of by such petition, or their known agent or agents, and to every other person or persons to whom the speaker of the house of commons shall have given notice to attend.

*Notice to the different Parties of such Examination, and of the Names of the intended Sureties (a).*

*House of Commons.*

TAKE notice, that the examiners of the sufficiency of sureties, appointed by the right hon.

at the time when any such petition is ordered by the house to be taken into consideration, or their known agent or agents.

“*Resolved*, That it is the opinion of this committee, that a printed copy of the said resolution be sent to every such petitioner forthwith, after the presenting any such petition to the house.”—44 Journ. 111.

(a) This notice is to be served upon all persons to whom the speaker may give notice to attend when the petition is to be taken into consideration. The notice must be given, so as for two whole days to intervene between the notice served, and the day appointed for the examination.

*Affidavit of service of the above notice.*

In parliament.

In the matter of the petition of *A. B.*, *C. D.*, and others, complaining of the undue election and return of

*E. F.* esq. for the borough of *G.* in the county of ;  
*H. I.* clerk to *K. L.* of ,  
 agent for *A. B.* one of the said petitioners, maketh oath and saith, that he this deponent did, on , personally serve *E. F.* esq. with a notice in writing, purporting that the examiners of the sufficiency of the sureties appointed by the right hon. the speaker of the house of commons, in the matter of the petition presented on , by the said *A. B.*, *C. D.*, and others, complaining of an undue election and return for the borough of , had appointed *Monday*, the day of , at two of the clock in the afternoon, in one of the committee-rooms belonging to the house of commons, for the examination of the sufficiency of the sureties to be named in the recognizance to be entered into in respect of the said petition; and that the names of the sureties who would enter into the recognizances, toge-



the speaker of the commons, in cause of the petition of *A. B.* esq. presented to the house of commons on the first day of December instant, complaining of an undue election and return for the borough of \_\_\_\_\_, in the county of \_\_\_\_\_, pursuant to an act of parliament in that case made and provided, have appointed \_\_\_\_\_ next, the \_\_\_\_\_ day of this instant December, at \_\_\_\_\_ of the clock in the afternoon, in one of the committee-rooms belonging to the house of commons, for the purpose of examining the sufficiency of the sureties to be named in the recognizance to be entered into in respect of the said petition on behalf of the said *A. B.* And take further notice, that the names of the sureties to be named in such recognizance are *C. D.* of \_\_\_\_\_, in the city of *London*, merchant, and *E. F.* of \_\_\_\_\_, in the county of \_\_\_\_\_

ther with one of the above-mentioned petitioners, were *M. N.* of \_\_\_\_\_, esq. and *O. P.* of \_\_\_\_\_ esq.

*H. I.*

Sworn in one of the committee-rooms of the house of commons, this \_\_\_\_\_, before me,

*John Henry Ley.*

*Affidavit of justification upon entering into recognizance.*

In parliament.

In the matter, &c. (as in the preceding form). *A. B.* of \_\_\_\_\_, and *C. D.* of \_\_\_\_\_

, severally make oath and say; and first, this deponent, *A. B.* for himself, saith,

that he, this deponent, is worth the sum of one hundred pounds, over and above what will pay all his debts; and, secondly, this deponent, *C. D.* for himself, saith, that he is worth the sum of one hundred pounds over and above what will pay all his debts.

*A. B.*

*C. D.*

Sworn in one of the committee-rooms of the house of commons, this \_\_\_\_\_, before me,

*John Henry Ley.*

*Affidavit of the acknowledgment of the recognizance by*



*liament*, the said petitioners, or one of them, is required to enter into recognizance for prosecuting the said petition, with two sufficient sureties, to be approved of in the manner therein mentioned, within fourteen days after presenting such petition to the house, and that the time for entering into such recognizance expires to-morrow; and that by a resolution of the house of the 11th day of February, 1789, notice is required to be given of the time and place appointed for enquiring into the sufficiency of such sureties, together with their names, additions, and places of abode, to the sitting member, or his known agent, and that the petitioner, on Monday last, gave notice to *R. P. J.* and *J. S.* the sitting members for the said town and port, of the names of the sureties proposed on behalf of sir *G. W.* and of the time appointed by the examiners to take the same into consideration, and, pursuant to such appointment, the petitioner attended the said examiners this day, and produced the recognizance of sir *G. W.* and of the two sureties residing in the county of *Sussex*, with the usual affidavit of the sureties; and that the said *R. P. J.* attended the said examiners, and objected to the notice being sufficient, alleging that he was a stranger to the sureties, and had not had sufficient time to examine into the sufficiency, upon which the examiners adjourned the business until to-morrow: and therefore praying, that the time allowed for the said petitioners, or either of them, to enter into the said recognizance, may be enlarged (*a*).

46 Journ. 136.

(*a*) As to the time of discharging orders for taking *Irish* petitions into consideration, by reason of the recognizance not being received, see 47 Geo. 3. c. 14. § 8.

## WITHDRAWING PETITION.

18 February, 1782.

On motion for  
leave to with-  
draw petition,  
the considera-  
tion to be de-  
ferred for three  
days at least.

33 Journ. 800.

*Resolved*, THAT whenever a motion is made for leave to withdraw a petition, complaining of an undue election or return of a member to serve in parliament, the consideration and debate thereof shall not be entered upon immediately, but the same shall be adjourned till such further day as the house shall think fit to appoint; provided that three days at the least shall intervene between the day on which such motion is made, and the said further day so to be appointed.

*Ordered*, That the said resolution be made a standing order of this house.

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 EXCHANGE OF LISTS.

*The following Resolution is repeated at the Commencement of every Session.*

Exchange of  
lists.

*Resolved*, THAT in all cases of controverted elections for counties in *England* and *Wales*, the petitioners do, by themselves or by their agents, within a convenient time to be appointed by the house, deliver to the sitting members, or their agents, lists of the persons



## APPENDIX.

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Redeemed land-tax no title to vote.  
Purchase of land-tax no qualification\*.  
No freehold described on the poll.  
No freehold as described.  
No such freehold as described.  
No such place of freehold as described.  
No such freehold in the county of *Middlesex*.  
No such place of freehold in the county of *Middlesex*.  
No such street [or place] as \_\_\_\_\_.  
Place of freehold not known [or described].  
Place of freehold not duly [or sufficiently] described.  
Place of freehold not in the county.  
Place of freehold not in the county of *Middlesex*.  
Freehold not sufficiently described.  
No such place known in the parish as the voter has described as the place of freehold.  
Nature of freehold not described.  
Nature of freehold not sufficiently described.  
Freehold not of the yearly value of 40s. above all rents and charges.  
Estate mortgaged, or otherwise incumbered.  
Mortgagor [or voter] not in the actual possession and receipt of the rents and profits.  
Voter voted in right of his wife's dower, not being of the yearly value of 40s. nor the voter in the actual possession or receipt of the rents and profits to his own use.  
No such occupier as named [or described].  
No house in the occupation of the voter at \_\_\_\_\_.  
Occupier as described not tenant to the voter.  
Occupier not sufficiently described.  
No such occupier as voter has described.  
No such person as the occupier known.  
No such occupier known as described.  
Neither voter nor occupier known in the parish.  
The place of residence not sufficiently described.  
The voter's place of residence, and also the place of freehold not sufficiently set down and described.  
No such persons at \_\_\_\_\_, as the voter or occupier are described.  
No such freeholder at \_\_\_\_\_, as the voter, is, [or, has] described.

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\* But see 51 Geo. 3. c. 99.

## PETITIONS—EXCHANGE OF LISTS.

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Voter's place of abode not duly [or sufficiently] entered [or described].

Neither voter's place of abode nor place of freehold sufficiently entered [or described].

Voter not known as described.

Voter's residence not known as described.

Voter's residence not described.

No such place of residence as described.

Voter not known in the parish.

Places of voter's abode and freehold not sufficiently described.

Voters not known in ——— street.

Description of residence insufficient.

Voter not sufficiently described.

Voter not known.

Not duly assessed.

Not in the actual possession or receipt of the rents and profits to his own use above twelve calendar months.

No certificate of annuity, or rent-charge, or memorial, registered pursuant to the statute.

Voter under the age of twenty-one years.

Voter received alms within twelve months before the election.

Voter received alms or parochial relief within twelve months [or a year] before the election.

The voter not the person represented.

The person represented did not vote.

Not the person represented.

• This vote was given for Mr. *Byng* only.

No such person as ———.

Voter convicted of wilful and corrupt perjury.

Voter had reward, or promise of reward, contrary to law.

Voter had reward, or promise of reward, viz. by money, meat, drink, provision and entertainment, contrary to law.

Disqualified by office in the revenue.

Disqualified by office in the public revenue.

No occupier named [or stated.]

Nature and occupation of freehold not sufficiently described.

Voter an idiot, or *non compos mentis*.

Freehold fraudulently granted on purpose to qualify the voter to give his vote.

Voter's christian name wanting.

Christian name of voter not stated.

Christian name of voter not sufficiently set down and described.

Christian name of voter not sufficiently described.

Voter voted more than once.

Voter voted more than once at the election.

More than one person voted for this estate.

[To parish clerks.] Not duly appointed.

[Ditto.] Voter's licence not duly registered.

[To clerk in orders.] Voter's licence not duly granted or registered.

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See the sitting member's objections in the *Middlesex* case, 2 Peck. 41. See the petitioner's objections in the *Bedfordshire* case, 1785, 2 Lud. 574. For those of the sitting member, *ib.* 577. For those of the petitioner in the *Buckinghamshire* case, 1785, 2 Lud. 602. For those of the petitioner in the *Middlesex* case, 1806 (2 Peck. 387), see 2 Peck. 47.



*List and Statement delivered by the Petitioner to the Sitting Member, on the first Meeting of the Select Committee, in the Case of Waterford, 1803 (a).*

On the petition of sir *J. N.* bart. complaining of an undue return of the said city at the last general election, 24th July, 1802.

The following is a list of all such votes, and of the names of all such voters who voted at the said election for *W. C. A.* esq. the sitting member, to which the petitioner, sir *J. N.* purposes and intends to object, as being illegally and improperly received on the poll by the returning officers.

*Class A.* Containing the names of twenty-five persons, who were admitted to their freedom by favour within six months preceding the election, who were non-residents at the time of their said admission, who were again admitted to their freedom shortly before the election, being then also non-residents, upon claims of right by birth, marriage, or servitude, which were false and colourable, and which second pretended admission was inconsistent with their alledged title under the first admission.

*Class B.* Containing the names of twenty-five persons, who were admitted to their freedom shortly before the election, being then non-residents, upon claims of right by birth, marriage, or servitude.

(a) See 42 Geo. 3. c. 106. § 3, and 47 Geo. 3. c. 14. § 4.

*Class C.* Containing the names of twenty-three persons, who were admitted to their freedom shortly before the election, upon claims of right by birth, marriage, or servitude, which were false and colourable.

*Class D.* Containing the names of twenty-four persons, who were improperly admitted to vote at the said election, having obtained their freedom on false and colourable titles, or being in other respects legally incapacitated from exercising the elective franchise.

*Class E.* Containing the names of thirteen persons, who ought to be struck off the poll, as having been guilty of bribery and corrupt practices.

The petitioner also means to give evidence of acts of bribery, corruption, and undue influence, committed by the said *W. C. A.* or by his agents under his direction, which disable him from sitting in parliament.

The following is a list of the several persons who tendered their votes for the petitioner, sir *J. N.* at the election, and were improperly rejected by the returning officers, as stated in the petition, with a specification of the respective rights under which they claim to be admitted, and which are more particularly set forth in the several petitions presented by them, previous to the said election, to the mayor and council of *Waterford*, and which votes the said petitioner claims to establish, before the select committee, to be added to the poll as good votes on his behalf.

*Class F.* Containing the names of thirty-two persons, who claimed their freedom in right of birth.

*Class G.* Containing the names of twelve persons, who claimed their freedom in right of marriage.

*Class H.* Containing the names of forty-three persons, who claimed their freedom in right of apprenticeship.

The said petitioner also claims to establish, before the select committee, the votes of the four following persons, who were freemen on the corporation books previous to the said election, and as such, tendered their votes for the petitioner, at the said election, which votes were improperly rejected by the returning officers.

*Class I.* The said petitioner also claims to establish, before the select committee, the vote of *W. M.* a freeholder, who tendered his vote for the said petitioner at the said election, but which was improperly rejected by the returning officers.

The said petitioner also means to contend, that the right of voting at the election of a representative to serve in parliament for the city of *Waterford* is vested in the freemen and freeholders thereof, and that the resident sons and sons-in-law of freemen of the said city, and persons who have served a regular apprenticeship within the same to freemen thereof, are of right entitled to their freedom; but that by the letter, spirit, and object of the charters of the said city, by its ancient usages and customs, and by the several statutes relating to the cities and their franchises now of force in *Ireland*, no person, however in other respects entitled, (save and except persons who have served a regular apprenticeship within the said city to freemen thereof), ought to claim or to be admitted to the freedom of the said city, unless at the time of

such claim or admission he is residing and inhabiting within the said city, or the liberties thereof.

The said petitioner also intends to give evidence of the partial and illegal conduct of the mayor and corporation of *Waterford*, in admitting the friends of the said *W. C. A.* to their freedom, previous to the said election, and in neglecting the claims or petitions of those rightfully entitled; and he further intends to give evidence of the several proceedings stated in his petition, taken in his majesty's court of king's bench in *Ireland* in consequence thereof, and to establish the several other allegations particularly set forth in his said petition.



*List and Statement, delivered by the Sitting Member to the Petitioner, on the first Meeting of the Select Committee (a).*

STATEMENT of the matters, that *W. C. A.* esq. sitting member for the city of *Waterford*, means to insist upon, contend for, or to object to, before the select committee appointed to try and determine the merits of the petition of sir *J. N. bart.* complaining of an undue election and return for the said city.

That the right of voting at an election, for a member to serve in parliament for the said

(a) 1 Peck. 243. See 42 Geo. 3. c. 106. 47 Geo. 3. c. 14. § 4.

city, is vested in the freeholders and freemen of the said city, (whether resident therein or not), duly admitted to such freedom by the mayor and common council of the said city, as of right, or by special favour, and duly sworn; and that sons of sons-in-law of, and persons who have served regular apprenticeships of seven years, to freemen of the said city, by indenture, executed by or in the presence of the town-clerk of the said city for the time being, and entered or registered by him in the corporation books, as well non-residents as residents, are entitled to, and have, on petitioning the mayor and common council of the said city, and on performing the other requisites prescribed by the orders of the said council, a right to be admitted to the freedom of the said city; and that it has been the usage of the said corporation, from the earliest period, to admit persons of the said descriptions to the freedom of the said city, whether inhabiting or residing within the said city, or the liberties thereof, at the time of such admission or not.

That although the said sir *J. N.* by his petition, insists, that none are entitled to the freedom of the said city, but those who, at the time of such admission, are residing or inhabiting within the said city, or the liberties thereof; yet the said sir *J. N.* and his agents, in his presence, and by his authority and directions, did, at the last election for the said city, tender the votes of a great number of persons, who were admitted to the freedom of the said city, and who had never been residents, or inhabiting within the said city or liberties; and which votes were admitted at the said election, and given for the said sir *J. N.*

That of the several persons admitted to the freedom of the said city, on the 23d day of July last, and in such petition mentioned, some were the friends of, and voted for the said *W. C. A.* at the last election for the said city, and some of them were the friends of, and voted for, the petitioner, sir *J. N.* at the said election; and that such of the said persons so admitted to the freedom of the said city, on the said 23d day of July last, as voted for the said *W. C. A.* as aforesaid, had petitioned the mayor and common council of the said city to be admitted to their freedom as of right, namely, by birth, marriage, or apprenticeship respectively, and were admitted in the said rights respectively, after an investigation of their respective claims; and, on finding that they were well founded, and that the said several persons so admitted, who voted for the said *W. C. A.* and whose claims were so found to be just, were well qualified to vote for a member to serve in parliament for the said city, at the last election, and were not occasional voters.

That several of the persons so admitted to their freedom, on the said 23d day of July last, and on several other days previous thereto, as of right, and who were the friends of the petitioner, sir *J. N.* actually voted for him on the said election, although the claims under which they obtained their freedom, as aforesaid, were not founded in fact, and were misrepresented to the said mayor and common council; to the admissibility of whose votes the said *W. C. A.* means to object, for their want of the qualifications set forth in their respective petitions to the mayor and common council, for their freedoms.

That the several persons tendered by the petitioner, sir *J. N.* at the said election, as persons entitled to their freedom, as of right, but who were not admitted to their freedom of the said city, and whose votes were rejected by the sheriffs of the said city, (the legal returning officers at the said election), were not entitled to their freedom of the said city, as of right, or had not performed the requisites, prescribed by the usage of the said corporation, to entitle them to their freedom, and were, therefore, rightly rejected by the said sheriffs at the said election.

That, at the said election, a great number of persons who were, of right, entitled to their freedom of the said city by birth, marriage, or apprenticeship, and who had duly petitioned to be admitted, and had previously offered to perform the said usual requisites, and to pay the usual fees on such admission, tendered their votes for the said *W. C. A.* at the said election, to the sheriffs of the said city, who illegally rejected their votes, to the prejudice of the said *W. C. A.*

That all persons who tendered their votes at the said election, for the petitioner, sir *J. N.* and who were rejected by the said sheriffs, were fairly and duly rejected, and were not qualified to vote at the said election.

That the said sheriffs unduly and illegally rejected the votes of several freemen of the said city, at the said election, who tendered their votes for the said *W. C. A.* and were entitled to vote at the said election.

That the said sheriffs unduly and illegally admitted the votes of several persons, in the

following predicaments, at the said election, for the said sir *J. N.*; some of whom claimed to be, but were not really freeholders of the said city; and others of whom claimed to be, but were not really freemen of the said city; and others of whom were freeholders of the said city, but had not duly registered their freeholds; and others of whom did not produce legal certificates of qualification, although they were Roman catholics; others of whom were freemen of the said city, but who were disqualified from voting at the said election; some by reason of minority; others by being under undue influence; others by having accepted bribes, entertainment, or rewards, from the said sir *J. N.* or his agents; and others of whom were Roman catholics, and did not legally qualify, or produce legal certificates of qualification; and others of whom were admitted to their freedom as of right, though not legally entitled thereto; and others who had not taken the oaths of freemen, or paid their fees, or did not produce coquets of their admission to their freedom; and the said sheriffs did, at the said election, illegally admit the votes of others, who were not freemen of the said city, but who were procured by the said sir *J. N.* or his agents, to personate men who were, or had been, admitted freemen of the said city; and the said sheriffs admitted two persons to vote for the said sir *J. N.* at the said election, who were deranged in their understandings, and not capable of exercising the elective franchise; one other person, who was an alien, and did not produce letters of denization; and one other person, who admitted, at the time of voting, that he had not taken the oaths of a freeman, and objected to



taking the said oaths, and declared that he would not take them.

That peers of parliament, and persons holding high offices under his majesty's government, and agents in the employment of government, had illegally and unconstitutionally interfered, and used undue influence in procuring, and did thereby procure several freemen of the said city to vote at the said election for the said sir *J. N.*; which persons would have voted for the said *W. C. A.* if such influence had not been exerted; and did, by threats and menaces, induce and prevail, on several freemen of the said city, holding places of profit under government, who had promised to vote, and would have voted at the said election for the said *W. C. A.* to decline giving their votes for him at the said election.

That the said sir *J. N.* is a partner in a bank, established and carried on in the said city of *Waterford*, for many years past, under the firm of *S. N.* and sons; and the said sir *J. N.* by himself, and his copartners and clerks in the said bank, and by his agents, procured many of the freemen of the said city to give their votes for him at the said election, some in consideration of their being freed or discharged from the payment of sums of money due by them, or for which they became security to the said bank; and others by giving or advancing money to them out of the said bank, under pretence of discounting bills of securities for such persons, which the said bankers knew to be insufficient, and the payment of which they had secretly promised to such persons not to enforce, and the payment of which the said

bankers did afterwards actually dispense with; and the said sir *J. N.* and his said partners, and their clerks, at and previous to the said election, used and converted the said bank to electioneering purposes.

That the said sir *J. N.* by himself, his said copartners in the said bank, and by his clerks and agents, after the dissolution of the last parliament, and after the issuing the writ for the said election, and previous to, and during the poll at the said election, was guilty of bribery, corruption, and undue influence, in procuring votes for himself, and in prevailing on persons to forbear to give their votes for the said *W. C. A.* and in attempting to corrupt and bribe those who had a right to vote, in order to procure himself to be elected and returned as member of parliament for the said city of *Waterford*, and was thereby disqualified from being elected or returned to serve in the present parliament, as representative for the said city; and did, by threats, menaces, and promises, procure the votes of many persons, who otherwise would have voted at the said election for the said *W. C. A.*; and that the said sir *J. N.* by himself, his friends, and agents, and persons employed by them, and by other ways and means did, after the dissolution of the said last parliament, and after the teste and issuing of the writ for holding the said election, give, present, and allow to, and provide for, divers electors of the said city, and other persons, who had or claimed a right to vote at the said election, meat, drink, entertainment, reward, and provision, in order to procure him, the said sir *J. N.*, to be elected for the said city, contrary

to the import and spirit of the statute enacted for preventing such practices.

And therefore the said *W. C. A.* insists, that he did not obtain the majority of thirty-one votes in the said petition, mentioned at the said election, by any of the undue means in the said petition mentioned; and the said *W. C. A.* doth object to, as unfounded, the allegations in the said petition, importing that the majority of the council of the said city, with the mayor, who presides therein, have, for several months past, been under the influence and dominion of him the said *W. C. A.*; or that the said council, or any of them, were induced by such influence to commit any illegal or unwarrantable acts, in order to procure the return of the said *W. C. A.* on the said election; or that the said council did any of the illegal or unwarrantable acts charged by the said petitioner, for any of the purposes, or with any of the views in the said petition alledged, or for any purpose whatsoever; or that the said sheriff did, on the said election, admit any illegal vote whatever for the said *W. C. A.* or rejected any legal vote tendered for the said sir *J. N.*; or that the said *W. C. A.*, or his agents, at any time before, or during the said election, was guilty of bribery, corruption, entertainment, or undue influence; or that the said *W. C. A.* did pervert the powers or patronage of the said corporation for election purposes, in order to procure his return on the said election; but, on the contrary, the said *W. C. A.* relies, and humbly submits, that being elected by a majority of legal voters, duly qualified, he was legally entitled to be returned, and was duly elected and returned to serve as

representative for the said city in this present parliament.

List of persons who voted for sir *J. N. bart.* at the last election for the city of *Waterford*, whose votes will be objected to by *W. C. A. esq.* the sitting member, for the following reasons:—

1st *Class*.—The names of thirty-eight persons objected to, for not being of right entitled to their freedom, or legally admitted thereto; and being occasional voters, and not having taken the oath or affirmation of a freeman, being thereby, and in other respects legally incapacitated from exercising the elective franchise.

2d *Class*.—The names of thirty-two persons, objected to for having, by undue and corrupt influence, been prevailed upon to vote for sir *J. N.* and not being of right entitled to their freedom, or legally admitted thereto, or being occasional voters, or not having taken the oath or affirmation of a freeman, being thereby, and in other respects, legally incapacitated from exercising the elective franchise.

3d *Class*.—The names of thirteen persons, objected to for not being of the age of twenty-one years, nor of right entitled to their freedom, or legally admitted thereto, or being occasional voters, or not having taken the oath or affirmation of a freeman, or having, by undue and corrupt influence, been prevailed upon to vote for the said sir *J. N.*, being thereby, and in other respects, legally incapacitated from exercising the elective franchise.

4th *Class*.—The names of fifty-nine persons, who, by bribery and corrupt influence, and entertainment given to them, were induced thereby to vote for sir *J. N.* or not being of right entitled

to their freedom, or admitted thereto; or being occasional voters, or not having taken the oath or affirmation of a freeman, being thereby, and in other respects, legally incapacitated from exercising the elective franchise.

*5th Class.*—The names of forty-one persons, objected to for not having duly qualified or produced proper or legal certificates of qualification, being Roman catholics, nor being of right entitled to their freedom, or legally admitted thereto, or being occasional voters, or not having taken the oath of a freeman, or having, by bribery, entertainment, and corrupt or undue influence, been prevailed upon to vote for the said sir J. N., and thereby, and in other respects, legally incapacitated from exercising the elective franchise.

*6th Class.*—The names of seven persons, objected to for not being the persons they respectively represented themselves to be, or personated, and for not being of right entitled to their freedom, or legally admitted thereto, or being occasional voters, or not having taken the oath or affirmation of freemen, or having, by bribery, entertainment, and corrupt or undue influence, been prevailed upon to vote for the said sir J. N., and being thereby, and in other respects, legally incapacitated from exercising the elective franchise; and also for not having duly qualified or produced legal certificates of qualification, being Roman catholics.

*7th Class.*—The names of thirty-six persons, objected to for not having duly qualified, or produced proper and legal certificates of qualification, being Roman catholics; nor being of right entitled to their freedoms, or legally admitted thereto, or being occasional voters, or not hav-

ing taken the oath of a freeman, or having, by corrupt or undue influence, and entertainment, been prevailed upon to vote for the said sir J. N., thereby, and in other respects, legally incapacitated from exercising the elective franchise.

*8th Class.*—The names of thirteen persons, objected to for not being freemen, or entitled to their freedom, or the persons admitted free on the corporation books, or not being the persons they respectively represented themselves to be, or personated, or not having taken the oath or affirmation of a freeman; thereby, and in other respects, legally incapacitated from exercising the elective franchise.

*9th Class.*—The names of twelve persons, objected to for having bribed and corrupted, or attempted to bribe and corrupt, certain voters, at and previous to the election.

*10th Class.*—The names of six persons, objected to for want of freehold and due registry; thereby, and in other respects, legally incapacitated from exercising the elective franchise.

The sitting member will contend for, and insist upon, establishing and adding to his poll the votes of the thirteen persons following, who are legal freemen, entered and admitted on the corporation books, and whose votes were illegally rejected by the sheriffs at the said election.

The sitting member will also contend for, and insist upon, establishing and adding to his poll the votes of the following persons, who tendered their votes for him at the said election, but were rejected by the sheriff at the said election.

## DOUBLE RETURN.

*Resolution of the House of Commons, of the  
18th March, 1727.*

*Resolved*, THAT in all cases on double returns, when the same shall be controverted, either at the bar of this house, or in committees of privileges and elections, the counsel for such person, who shall be first named in such double return, or whose return shall be immediately annexed to the writ or precept, shall proceed in the first place.

Order of beginning in cases of double returns.

21 Journ. 89.

*Ordered and declared*, That the said order be a standing order of the house.

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## WITNESSES—EVIDENCE.

*The Speaker's Warrant for Attendance of  
Witnesses.*

WHEREAS, by an order of the house of commons, the matter of the petition of , complaining of an undue election and return for , is appointed to be taken into consideration by the house, upon the day of , at of the clock in the afternoon.

These are therefore to require you (and each and every of you) to be and appear at the bar of the house of commons, upon the said day of , at of the clock in the

afternoon, to receive and obey such further order as the said house shall make concerning the said petition :

As you will answer the contrary, at your peril.

Given under my hand, this      day of  
C. A. speaker.

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*The Speaker's Warrant for the Inspection, &c. and Production of public Papers; but not compelling the Attendance of any particular Person.*

WHEREAS, &c. [*as in the preceding form*].

These are therefore to require you, and such other person or persons who have in his, her, or their custody or power [*description of the papers, &c. required*] to permit the said      , or his agent, or agents, to inspect the same, and take such notes and copies thereof, as he or they shall think fit :

And that you the said      , and the other persons aforesaid, or some one for you, do attend the house of commons, upon the said      day of      , at      of the clock in the afternoon, with all such [*the papers, &c.*] as aforesaid, as the said      , or his agent, or agents, shall require to be produced at the hearing of the matter of the said petition :

As you will answer, &c. [*concluding as in the preceding form*].



*The Speaker's Warrant for the Production of any private Books, or Papers, as described in the Warrant, and compelling the Attendance of the Persons to whom the Warrant is directed.*

WHEREAS, &c. [*as before*].

These are therefore to require you, and each and every of you, to bring in your custody, [*description of papers required*], and with them to be and appear at the bar of the house of commons, on, &c. [*as in the first form (a)*].

(a) When no committee has been chosen in the day appointed for taking the petition into consideration, the preamble of the warrant runs thus: "Whereas, by an order of the house of commons, the matter of the petition of complaining of an undue election and return, for the \_\_\_\_\_ was appointed to be taken into consideration by the said house, upon the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ of the clock in the afternoon. And whereas the said order

hath, from time to time, been duly adjourned to \_\_\_\_\_: These are therefore to require you \_\_\_\_\_, and each and every of you, *forthwith*, to be and appear at the bar of the house of commons, to receive and obey such further order, &c." [*concluding as in the first form*].

The select committee, when appointed, is empowered to send for persons, papers, and records. See 10 Geo. 3. c. 16. § 18, *ante*, cccvii.

*The following Resolutions are repeated at the  
Commencement of every Session.*

**Persons tampering with witnesses, or endeavouring to deter them from giving evidence, declared guilty of misdemeanor, &c.**

*Resolved*, THAT if it shall appear that any person hath been tampering with any witness, in respect of his evidence to be given to the house, or any committee thereof, or directly or indirectly hath endeavoured to deter or hinder any person from appearing or giving evidence, the same is declared to be a high crime and misdemeanor, and this house will proceed with the utmost severity against such offender.

**False evidence.**

*Resolved*, That if it shall appear that any person hath given false evidence in any case before this house, or any committee thereof, this house will proceed with the utmost severity against such offender.

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16 Jan. 1735.

*Ordered*, That the counsel at the bar of this house, or before the committee of privileges and elections, be restrained from offering evidence touching the legality of votes for members to serve in parliament for any county, shire, city, borough, cinque port, or place, contrary to the last determination in the house of commons, which determination, by an act passed in the second year of his present majesty's reign, intituled, *An act for the more effectual preventing bribery and corruption in the election of*

WITNESSES—EVIDENCE.

*members to serve in parliament, is made final to all intents and purposes whatsoever, any usage to the contrary notwithstanding.*

22 Journ. 498.

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26 February, 1735.

*Resolved, That the counsel for the petitioners be admitted to give parole evidence as to a person being no freeholder at the time of the election, who swore himself then to be a freeholder (a).*

22 Journ. 498.

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2 March, 1735.

*Resolved, That the counsel for the petitioners be admitted to give evidence to what a voter confessed of his having no freehold, who at the time of the election swore he had.*

22 Journ. 604.

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*Notice of an Application by the Petitioner for a Commission to examine Evidence in Ireland, to be given under the 42 Geo. 3. c. 106. § 4 and 5, as soon as Petition presented (b).*

You are hereby required to take notice, that inasmuch as, from the nature of the case, and

(a) This, and the following resolution, in fact, superseded that of the 16th January, 1695, that evidence ought not to be admitted to disqualify an elector as no freeholder, who at the election swore himself to be so. 11 Journ. 394.

(b) The petitioner should

be prepared to prove this notice upon the first meeting of the committee. In the case of *Limerick*, 26th April, 1811, the committee refused to adjourn while a witness to prove such service should be brought over from *Ireland*.

number of witnesses to be examined relative to the allegations in my petition to the house of commons, complaining of your undue election and return as a member to serve in parliament for , in that part of the united kingdom called *Ireland*, the allegations in the said petition cannot be effectually inquired into before the select committee of the house of commons, which shall be appointed for the trial and determination of the merits of my said petition, without great inconvenience and expence to the parties; it is my intention to apply to the said committee, to make an order for the nomination and appointment of commissioners, in the manner directed by an act of parliament made in the forty-second year of his present majesty, intituled, *An act for regulating the trial of controverted elections or returns of members to serve in the united parliament for Ireland*. Dated this                      day of                      , 1806.

To, &c.

J. L.

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*Order of Select Committee upon an Irish Petition, for the Appointment of Commissioners to take Evidence in Ireland (a).*

At a select committee of the house of commons of the united kingdom of *Great Britain*

(a) See 4<sup>th</sup> Geo. 3. c. 106. § 4, &c. 1 Peck. 249.

and *Ireland*, appointed to try and determine the merits of the petition of *William Conyngham Plunket*, esq. complaining of an undue election and return for the college and university of the holy and undivided Trinity, near *Dublin*.

Whereas the parties before this committee have made application to the said committee to make an order for the nomination and appointment of commissioners, for the purpose of examining witnesses relative to certain allegations in the said petition;

And whereas it also appears to the said committee, from the nature of the case, and the number of witnesses to be examined relative to the said allegations, that the same cannot effectually be inquired into before the said committee without great expence and inconvenience to the parties;

*Ordered*, That the commissioners be nominated and appointed for the purpose of examining evidence respecting the several matters and things hereinafter mentioned, viz.

Whether the said college and university are, by a certain charter or charters to them granted, distinct corporate bodies, consisting of different members:

Whether they have distinct officers, and whether the purposes for which they meet, as well as their place of meeting, are likewise distinct:

Whether there is a certain accustomed mode and form by which alone persons can be admitted members of the said college:

Whether the said *George Knor* was not, or is not, a member of the said college and university:

Whether ever since the granting of the said

charter to the said college and university, for the election of the burgesses to represent the said university, all persons who have been chosen and have sat for the same have been bers of the said college and university :

Whether Mr. *Knor*, or Mr. *Plunket*, or either of them, received any and what degree in the university of *Dublin*, and under what circumstances, and at what time, and what is the usage in admitting to such degree :

Whether the names of either of the said persons is, or ever was, on any of the books of the college or university, and which of them, and the date :

Whether at any former time the name of either of the said persons was at any time removed from any such books, and when, and how reinstated, if it was so :

Whether, at the time of Mr. *Knor*'s election to represent the college and university of *Dublin*, in the year 1797, there were any other candidates ; if there were, what were their degrees and situations ; and whether any, and what objection was made at that time to Mr. *Knor*'s eligibility ; and whether any, and what petition was presented against his return.

And the said commissioners are hereby further ordered and directed to transmit a list of those burgesses who have been returned by the college and university of *Dublin*, from the 11 James 1. to the present time ; and also what were their situation, degree, and circumstance, as respecting the said college and university, or either of them.

And the said commissioners are hereby further ordered to transmit, with the report of their proceedings, as directed by an act 42 Geo. 3.

full and true copies of all such documents and papers as shall be received by them in evidence.

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*Warrant of the Chairman of the Committee  
to the Commissioners for taking Evidence in  
Ireland to meet.*

THESE are to require and command you, and each of you, *T. C. W. K.* and *T. B.* being appointed by a select committee of the house of commons to be commissioners, pursuant to the act of 42 Geo. 3. c. 106, for the purpose of examining evidence respecting a petition to the said house of *G. V. H.* esq. complaining of the last election and return for the county of *D.* to repair to the said county on Saturday the 28th day of this instant May, under the penalty of £500 on each who shall fail in so doing, then to proceed in the execution of the said commission, pursuant to the directions of the said act. Given under my hand and seal this 7th day of May, 1808.

*W. Sturges Bourne, (L. S.)*

## ACTS

RESPECTING

## QUALIFICATIONS OF ELECTORS.



The Stat. 10 Hen. 6. c. 2.

*Certain Things required in him who shall be a  
Chooser of the Knights of Parliament.*

8 H. 6. c. 7, re-  
cited.

(a) “ITEM, whereas at the parliament holden  
“ at *Westminster*, the morrow of *St. Matthew*  
“ the apostle, the eighth year of the king that  
“ now is, it was ordained by the authority of  
“ the same parliament, that the knights of all  
“ counties within the realm of *England*, to be  
“ chosen to come to the parliaments hereafter to  
“ be holden, should be chosen in every county,  
“ by people dwelling and resiant in the same,  
“ whereof every one shall have freehold to the  
“ value of forty shillings by year, at the least,  
“ above all charges, upon a certain pain con-  
“ tained in the same statute; (2) not making  
“ express mention in the same, that every man  
“ that shall be chooser of any such knights

(a) For the 8 Hen. 6, see vol. 1. chap. 13, (n).'



“ shall have freehold to the value of forty shil-  
 “ lings at the least, above all charges, within  
 “ the same county, where such chooser with  
 “ other like shall make such election, or else-  
 “ where:” (3) and therefore our lord the king,  
 willing to make plain declaration of the said  
 statute, by the advice and assent aforesaid, and  
 at the special request of the said commons,  
 hath ordained, that the knights of all counties  
 within the said realm, to be chosen to come to  
 parliaments hereafter to be holden, shall be  
 chosen in every county, by people dwelling and  
 resiant in the same, whereof every man shall  
 have freehold to the value of forty shillings by  
 the year at the least above all charges, within  
 the same county where any such chooser will  
 meddle of any such election (a).—A. D. 1432.

10 Hen. 6. c. 2.

Knights of  
 counties to be  
 chosen by peo-  
 ple resident  
 within the  
 county, having  
 freeholds of  
 40s. therein,  
 above all  
 charges.

The Stat. 7 and 8 Will. 3. c. 25.

*An Act for the further regulating Elections of  
 Members to serve in Parliament, and for the  
 preventing irregular Proceedings of Sheriffs  
 and other Officers, in the electing and re-  
 turning such Members.*

(b) § 7. AND be it also enacted, that no person  
 or persons shall be allowed to have any vote in

No person to  
 vote by reason  
 of any trust

(a) This statute repealed by the stat. 14 Geo. 3. c. 58, so far as residence is required, for which see 1 vol. 80.  
 (b) For the other clauses, see 1 vol. 347. 518. 534. 523.

7 &amp; 8 W. 3. c. 25.

estate, or mortgage, unless in possession of rents and profits.

Mortgagor, or cestui que trust, may vote.

Conveyances in order to multiply voices, void.

extended to  
crises; ex:  
or test. did  
years bef. v.  
any drach  
53. 5. 3. c. 49.

election of members to serve in parliament, for or by reason of any trust estate, or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents and profits of the same estate; but that the mortgagor, or *cestui que trust*, in possession, shall and may vote for the same estate, notwithstanding such mortgage or trust; and that all conveyances of any messuages, lands, tenements, or hereditaments, in any county, city, borough, town corporate, port or place, in order to multiply voices, or to split and divide the interest in any houses or lands among several persons, to enable them to vote at elections of members to serve in parliament, are hereby declared to be void and of none effect, and that no more than one single voice shall be admitted for one and the same house or tenement.—A. D. 1696.

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The Stat. 10 Ann. c. 23.

*An Act for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for electing Knights of Shires to serve in Parliament.*

7 & 8 W. 3. c. 25, recited.

“ WHEREAS, by an act of parliament made in the seventh year of the reign of his late majesty king *William* the third, intituled, *An*

“ *act for the further regulating elections of* <sup>10 Ann. c. 2</sup>  
 “ *members to serve in parliament, and for the*  
 “ *preventing irregular proceedings of sheriffs,*  
 “ *and other officers, in the electing and return-*  
 “ *ing such members, it is, amongst other things,*  
 “ *enacted, that all conveyances of any mes-* (§ 7.)  
 “ *suages, lands, tenements, or hereditaments, in*  
 “ *any county, city, borough, town corporate,*  
 “ *port or place, in order to multiply voices, or*  
 “ *to split and divide the interest in any houses*  
 “ *or lands amongst several persons, to enable*  
 “ *them to vote at elections of members to serve*  
 “ *in parliament, shall be void, and of none ef-*  
 “ *fect; and that no more than one single voice*  
 “ *shall be admitted for one and the same house*  
 “ *and tenement: And whereas (notwithstand-*  
 “ *ing this provision to the contrary) many*  
 “ *fraudulent and scandalous practices have been*  
 “ *used of late, to create and multiply votes at*  
 “ *the election of knights of the shire to serve*  
 “ *in parliament, to the great abuse of the an-*  
 “ *cient law and custom of that part of Great*  
 “ *Britain called England, to the great injury*  
 “ *of those persons who have just right to elect,*  
 “ *and in prejudice of the freedom of such elec-*  
 “ *tions:*” Therefore, for the more effectual pre-  
 venting of such undue practices, be it enacted,  
 by the queen’s most excellent majesty, by and  
 with the advice and consent of the lords spi-  
 ritual and temporal, and commons, in this pre-  
 sent parliament assembled, and by the authority  
 of the same, that all estates and conveyances  
 whatsoever, made to any person or persons, in  
 any fraudulent or collusive manner, on purpose  
 to qualify him or them to give his or their vote  
 or votes at such elections of knights of the shire  
 (subject nevertheless to conditions or agreements

All convey-  
 ances fraudu-  
 lently made to  
 qualify any  
 person to vote  
 for knights of a  
 shire (subject  
 to conditions

10 Ann. c. 23.

to defeat the same)  
to be taken as absolute against persons executing the same, and to be enjoyed by persons to whom made, free of all trusts, &c.

Bonds, &c. for defeating such estates, void.

Persons making such conveyances, or privy thereto, or voting at elections for knights of the shire, by colour thereof, shall, for every such conveyance, forfeit 40*l.* to the informer, to be recovered with costs, as herein.

to defeat or determine such estate, or to re-convey the same) shall be deemed and taken against those persons who executed the same, as free and absolute, and be holden and enjoyed by all and every such person or persons to whom such conveyance shall be made as aforesaid, freely and absolutely acquitted, exonerated, and discharged of and from all manner of trusts, conditions, clauses of re-entry, powers of revocation, provisos of redemption, or other defeazances whatsoever, between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, collateral or other securities, contracts, or agreements, between or with the said parties, or any other person or persons in trust for them, or any of them, for the redeeming, revoking, or defeating such estate or estates, or for the restoring or re-conveying thereof, or any part thereof, to any person or persons who made or executed such conveyance, or to any other person or persons in trust for them, or any of them, shall be null and void to all intents and purposes whatsoever; and that every person who shall make and execute such conveyance or conveyances as aforesaid, or being privy to such purpose, shall devise or prepare the same; and every person who, by colour thereof, shall give any vote at any election of any knight or knights of a shire, to serve in parliament, shall, for every such conveyance so made, or vote so created or given, forfeit the sum of forty pounds, to any person who shall sue for the same, to be recovered, together with full costs of suit, by action of debt, bill, plaint, or information, in any of her majesty's courts of record at *Westminster*, wherein no essoin, privilege, protection, wager of law, or

more than one imparlance shall be admitted or allowed.

10 Ann. c. 23.

§ 2. And be it further enacted, by the authority aforesaid, that from and after the first day of May, which shall be in the year of our Lord one thousand seven hundred and twelve, no person shall vote for the electing of any knight of a shire, within that part of *Great Britain* called *England*, in respect or in right of any lands or tenements which have not been charged or assessed to the public taxes, church rates, and parish duties, in such proportion as other lands or tenements of forty shillings *per annum*, within the same parish or township where the same shall lie or be, are usually charged, and for which such person shall not have received the rents or profits, or be entitled to have received the same to the full value of forty shillings or more, to his own use, for one year before such election, unless such lands or tenements came to such person within the time aforesaid, by descent, marriage, marriage settlement, devise, or presentation to some benefice in the church, or by promotion to some office, unto which such freehold is affixed; and if any person shall vote in any such election, contrary to the true intent and meaning hereof, he shall, for every such offence, forfeit the sum of forty pounds, one moiety thereof to the poor of the parish or parishes where the lands or tenements lie, for which such person shall vote, and the other moiety to the person or persons who shall sue for the same, to be recovered by action of debt, bill, plaint, or information, in any of her majesty's courts of record at *Westminster*, wherein no essoin, privilege, protection, or wager

After 1st May, 1712, no person to vote for a knight of a shire, in right of lands, &c. not having been charged to public taxes, &c. in such proportion as other lands, &c. of 40s. *per annum* in the same parish, and for which such person has not received or been entitled to the rents for one year before, unless such lands, &c. came to him by descent, marriage, devise, or presentation to church benefice, or promotion to office, (*Explained by 12 Ann. stat. 1. c. 5. repealed by 18 Geo. 2. c. 18. § 2, as to so much of it as disables persons to vote in respect of lands, &c. not assessed as hereby required.*) under penalty of 40*l.* one moiety to the poor of the parish, &c. the other moiety to informer, to be recovered as herein.

10 Ann. c. 23. of law, shall be allowed, or more than one im-  
parlance.

The oath re-  
quired by the  
act 7 W. 3. c.  
25. § 3. re-  
pealed.

§ 3. “ And whereas, by the above recited act,  
“ it is also further enacted, that upon every  
“ election to be made of any knight or knights  
“ of the shire to serve in parliament, every  
“ freeholder, before he is admitted to poll at  
“ the same election, shall (if required by the  
“ candidates, or any of them) first take the oath  
“ therein after mentioned;” be it enacted, by  
the authority aforesaid, that the said act, as to  
so much only as concerns the said oath, shall  
be and is hereby repealed.

§ 4. And be it further enacted, by the autho-  
rity aforesaid, that upon every election to be  
made of any knight or knights of a shire within  
that part of *Great Britain* called *England*, to  
serve in parliament, every freeholder, before he  
is admitted to poll at the same election,  
shall (if required by the candidates, or any of  
them, or any other person having a right to  
vote at such election) first take the oath follow-  
ing, viz.

Freeholders  
oath.  
(Instead of  
which another  
oath is appointed  
by 18 Geo. 2.  
c. 18. § 1, to be  
administered in  
like manner,  
the false taking  
whereof, &c.  
perjury, &c.)

“ You shall swear that you are a freeholder  
“ in the county of \_\_\_\_\_, and have free-  
“ hold lands, or hereditaments, lying or being  
“ at \_\_\_\_\_, in the same county of \_\_\_\_\_,  
“ of the yearly value of forty shillings, above  
“ all charges payable out of the same; and that  
“ such freehold estate hath not been made or  
“ granted to you fraudulently, on purpose to  
“ qualify you to give your vote; and that the  
“ place of your abode is at \_\_\_\_\_, in \_\_\_\_\_,

“ and that you have not been polled before at  
 “ this election.”

10 Ann. c. 23.

Which oath, the sheriff by himself, his under-sheriff, or such sworn clerk or clerks (as shall be by him appointed for taking the poll, pursuant to the said recited act) is hereby required to administer; and in case any freeholder, or other person, taking the said oath hereby appointed, shall thereby commit wilful and corrupt perjury, and be thereof convicted, or if any person do unlawfully and corruptly procure or suborn any freeholder, or other person, to take the said oath, in order to be polled, whereby he shall commit such wilful and corrupt perjury, and shall be thereof convicted, he and they, for every such offence, shall incur the like pains and penalties as are in and by one act of parliament, made in the fifth year of the reign of the late queen *Elizabeth*, intituled, *An act for punishment of such persons as shall procure or commit any wilful perjury*, enacted against all such who shall commit wilful perjury, or suborn or procure any person to commit any unlawful or corrupt perjury, contrary to the said act.

§ 5. And the better to detect and punish any offenders against this act, be it enacted by the authority aforesaid, that in taking the poll, the sheriff, or his under-sheriff, and clerks, shall enter not only the place of the elector's freehold, but also the place of his abode, as he shall declare the same at the time of the giving his vote, and shall also make or enter *jurat* against the name of every such voter, who shall be tendered and take the oath hereby required;

The place of the elector's freehold, and of his abode, to be entered on poll, also *jurat* to be entered against the name of every vote tendered, and taking the oath.

10 Ann. c. 23.

Sheriff, &c. to deliver poll-books upon oath, &c. to the clerk of the peace, &c. within twenty days after election, to be kept among the records of the sessions.  
How, where more than one clerk of the peace.

Sheriff of York to appoint seven tables for taking the poll, at the costs of the candidate.  
To continue till poll concluded.

Sheriff of Cheshire to do the like.

and that the said sheriff, or returning officer, shall, within the space of twenty days next after such election, faithfully deliver over upon oath, (which oath the two next justices of the peace, one of whom to be of the quorum, are hereby enabled and required to administer), unto the clerk of the peace for the same county, all the poll-books of such respective election, without any embezzlement or alteration, and in such counties where there are more than one clerk of the peace, then the original poll-books to one of such clerks of the peace, and attested copies thereof to the rest, to be carefully kept and preserved amongst the records of the sessions of the peace of and for the said county.

§ 6. And be it further enacted, by the authority aforesaid, that the sheriff of the county of *York*, for the time being, shall be, and is hereby required to appoint seven convenient tables, or places, for taking the poll of the said county, upon any new election of a knight, or knights of the shire, for the said county, at the proper costs and charges of the candidates for the same, to continue until the poll be concluded.

§ 7. And be it further enacted, by the authority aforesaid, that the sheriff of the county palatine of *Chester*, for the time being, against every election of a knight, or knights of the shire to serve in parliament for the said county, shall and is hereby required to cause seven convenient tables or places, and no more, to be made at the costs and charges of the candidates, within the shire-hall of the said county, for taking the poll at such elections; that is to say,



two at the upper end, two at each side, and one at the lower end of the said hall; and shall at such place take the poll at such elections until the same be concluded.

10 Ann. c. 23.



§. 8. Provided always, and be it enacted by the authority aforesaid, that if any person, being a quaker, during the continuance of an act, passed in the seventh year of his late majesty's reign, intituled, *An act that the solemn affirmation and declaration of the people, called quakers, shall be accepted instead of an oath, in the usual form*, shall, upon such election as aforesaid, if required by the candidates, or any of them, declare the effect of the said oath upon his solemn affirmation, in such manner and form as is directed by the said act of parliament, made in the seventh year of the reign of his late majesty, king *William* the third, intituled, *An act that the solemn affirmation and declaration of the people, called quakers, shall be accepted instead of an oath in the usual form* (a); every such quaker shall be capable and admitted to give his vote for the election of any such member as aforesaid, to serve in the house of commons, within that part of *Great Britain* called *England*; and every sheriff by himself, or such his proper officer as aforesaid, is hereby authorized and required to accept such affirmation instead of the said oath, and shall also make or enter *affirmat* against the name of every such quaker; and in case any such quaker shall be convicted wilfully, falsely, and corruptly, to have affirmed or declared any matter or thing, which, if the same had been in the usual form, would have amounted to wilful and corrupt per-

Quakers, if required, declaring the effect of the oath on their affirmation, as directed by 7 & 8 W. 3. c. 34, to be admitted to vote.

Quakers convicted of affirming falsely, to incur the penalties of perjury.

(a) See the act abstracted, 1 vol. 638, (n).

10 Ann. c. 23.



jury, every such quaker so offending, shall incur the same penalties and forfeitures as are hereinbefore enacted against persons convicted of wilful and corrupt perjury.—A. D. 1711.



The Stat. 12 Ann. Stat. 1. c. 5.

*An Act to explain a Clause in an Act of the last Session of Parliament, intituled, An Act for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for the electing Knights of Shires to serve in Parliament, as far as the same relates to the ascertaining the Value of Freeholds of 40s. per Annum.*

10 Ann. c. 23.

“ WHEREAS, by an act made in the last session of parliament, intituled, *An act for the more effectual preventing fraudulent conveyances, in order to multiply votes for electing knights for shires to serve in parliament*, it is, amongst other things, enacted, that from and after the first day of May, which should be in the year of our lord one thousand seven hundred and twelve, no person shall vote for the electing of any knight of a shire, within that part of *Great Britain* called *England*, in respect or in right of any lands or tenements, which have not been charged or assessed to the public taxes, church rates, and parish duties, in such proportions as other

“lands or tenements of forty shillings *per* 12 Ann. c. 5.  
 “*annum*, within the same parish or township  
 “where the same shall lie or be, are usually  
 “charged, under a penalty therein expressed;  
 “and whereas some doubts have arisen, whether (§ 2.)  
 “parsons, vicars, and other persons, having  
 “messuages, lands, rents, tithes, or other he-  
 “reditaments, are not thereby restrained from  
 “voting at such elections, in regard that such  
 “messuages, lands, rents, tithes, or heredita-  
 “ments, have not been usually charged or as-  
 “sessed to the public taxes, church rates, and  
 “parish duties, and to every of them. Now,  
 “for as much as it was only intended thereby  
 “to ascertain the value of lands or tenements,  
 “by making the proportion paid to the public  
 “taxes, church rates, and parish duties, or  
 “such of them to which the same were usually  
 “charged or assessed, the measure of the value  
 “thereof; and for the removing such doubts,”  
 be it enacted and declared by the queen’s most  
 excellent majesty, by and with the advice and  
 consent of the lords spiritual and temporal,  
 and commons, in this present parliament assem-  
 bled, and by the authority of the same, that the  
 said act, or any thing therein contained, shall  
 not extend, or be construed to restrain any per-  
 son from voting in such election of any knight  
 of a shire, within that part of *Great Britain*  
 called *England*, in respect, or in right of any  
 rents, tithes, or other incorporeal inheritances,  
 or any messuages or lands in extra parochial  
 places, or any chambers in the inns of court, or  
 inns of chancery, or any messuages or seats be-  
 longing to any offices, in regard or by reason  
 that the same have not usually been, or shall  
 not be charged or assessed to all or any the

The act 10  
 Ann. c. 23, not  
 to restrain any  
 person from  
 voting in re-  
 spect of any  
 rents, tithes,  
 or other incor-  
 poreal heredi-  
 taments or  
 messuages, &c.  
 in extra paro-  
 chial places, or  
 chambers in  
 the inns of  
 court, &c. or

12 Ann. c. 5.

messuages, &c. belonging to offices, in respect of their not being charged to all, or any public taxes, as mentioned therein. Provided, that they have been assessed to some, or one of the said public taxes, &c. as other messuages, &c. of forty shillings *per annum* in the same parish, are usually charged.

public taxes, church rates, and parish duties, as mentioned in the above recited act, or in respect or in right of any other messuages or lands, not herein-before specified, in regard or by reason that the same have not been usually charged or assessed to all and every the public taxes, church rates, and parish duties aforesaid. Provided, that such messuages or lands have usually been charged or assessed to some one or more of the said public taxes, rates, or duties, in such proportion as other messuages or lands of forty shillings *per annum*, within the same parish or township where the same shall lie or be, are usually charged to the same; any thing contained in the said recited act, to the contrary thereof in anywise notwithstanding (a).—A D. 1713.

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The Stat. 13 Geo. 2. c. 20.

*An Act for the more effectually preventing fraudulent Qualifications of Persons to vote as Freeholders, in the Election of Members to serve in Parliament, for such Cities and Towns as are Counties of themselves, in that Part of Great Britain called England.*

10 Ann. c. 23.  
§ 1, recited.

“ WHEREAS, by an act made in the tenth  
“ year of the reign of queen Anne, intituled,  
“ *An act for the more effectual preventing*  
“ *fraudulent conveyances, in order to multiply*  
“ *votes for electing knights of shires to serve*  
“ *in parliament*, it is enacted, that all estates

(a) See post, 18 Geo. 2. c. 18. § 2, 3.

“ and conveyances whatsoever, made to any 13 Geo. 2. c. 20.  
 “ person or persons in any fraudulent or collu-  
 “ sive manner, on purpose to qualify him or  
 “ them, to give his or their vote or votes at such  
 “ elections of knights of the shire, subject  
 “ nevertheless to conditions or agreements to  
 “ defeat or determine such estate, or to re-con-  
 “ vey the same, shall be deemed and taken  
 “ against those persons who executed the same  
 “ as free and absolute, and be holden and en-  
 “ joyed by all and every such person or persons,  
 “ to whom such conveyance shall be made as  
 “ aforesaid, freely and absolutely acquitted,  
 “ exonerated, and discharged, of and from all  
 “ manner of trusts, conditions, clauses of re-  
 “ entry, powers of revocation, provisos of re-  
 “ demption, or other defeazances whatsoever,  
 “ between or with the said parties, or any other  
 “ person or persons in trust for them, and that  
 “ all bonds, covenants, collateral or other se-  
 “ curities, contracts, or agreements, between  
 “ or with the said parties, or any other person  
 “ or persons in trust for them, or any of them,  
 “ for the redeeming, revoking, or defeating,  
 “ such estate or estates, or for the restoring or  
 “ re-conveying thereof, or any part thereof, to  
 “ any person or persons who made or executed  
 “ such conveyance, or to any other person or  
 “ persons in trust for them, or any of them,  
 “ shall be null and void to all intents and pur-  
 “ poses whatsoever; and that every person who  
 “ shall make and execute such conveyance or  
 “ conveyances as aforesaid, or, being privy to  
 “ such purpose, shall devise or prepare the same,  
 “ and every person who, by colour thereof, shall  
 “ give any vote at any election of any knight or  
 “ knights of the shire to serve in parliament,

13 Geo. 2. c. 20.

10 Ann. c. 23.  
§ 2, recited.

“ shall, for every such conveyance so made,  
 “ or vote so created or given, forfeit the  
 “ sum of forty pounds to any person who shall  
 “ sue for the same, to be recovered, together  
 “ with full costs of suit, by action of debt, bill,  
 “ plaint, or information, in any of the courts of  
 “ record at *Westminster*, wherein no essoin,  
 “ privilege, protection, wager of law, or more  
 “ than one imparlance, shall be admitted or al-  
 “ lowed; and it is thereby further enacted, that  
 “ no person shall vote for the electing of any  
 “ knight of a shire within that part of *Great*  
 “ *Britain* called *England*, in respect or in right  
 “ of any lands or tenements, which have not  
 “ been charged or assessed to the public taxes,  
 “ church rates, and parish duties, in such pro-  
 “ portion as other lands or tenements of forty  
 “ shillings *per annum*, within the same parish or  
 “ township where the same shall lie, or be  
 “ usually charged, and for which such person  
 “ shall not have received the rents or profits, or  
 “ be entitled to have received the same, to the  
 “ full value of forty shillings or more, to his  
 “ own use, for one year before such election,  
 “ unless such lands or tenements came to such  
 “ person within the time aforesaid by descent,  
 “ marriage, marriage settlement, devise, or pre-  
 “ sentation to some benefice in the church,  
 “ or by promotion to some office, unto which  
 “ such freehold is affixed, and that, if any per-  
 “ son shall vote in any such election contrary  
 “ to the true intent and meaning of the said  
 “ act, he shall, for every such offence, forfeit  
 “ the sum of forty pounds, one moiety thereof  
 “ to the poor of the parish or parishes, where  
 “ the lands or tenements lie, for which such  
 “ person shall vote, and the other moiety to the

“ person or persons who shall sue for the same, 13 Geo. 2. c. 20.  
 “ to be recovered by action of debt, bill, plaint,  
 “ or information, in any of the courts of record  
 “ at *Westminster*, wherein no essoin, privilege,  
 “ protection, or wager of law shall be allowed,  
 “ or more than one imparlance; and whereas, 12 Ann. stat. 1.  
 “ by an act, made in the next session of parlia- c. 5, recited.  
 “ ment, to explain a clause in the said last  
 “ recited act, made in the tenth year of the reign  
 “ of queen *Anne*, it is enacted, that the  
 “ said act, made in the tenth year of the  
 “ reign of queen *Anne*, or any thing therein  
 “ contained, shall not extend, or be construed  
 “ to restrain any person from voting in such  
 “ election of any knight of a shire, within that  
 “ part of *Great Britain* called *England*, in  
 “ respect or in right of any rents, tithes, or  
 “ other incorporeal inheritances, or any mes-  
 “ suages or lands in any extra-parochial places,  
 “ or any chambers in the inns of court or inns  
 “ of chancery, or any messuages or seats be-  
 “ longing to any offices, in regard or by reason  
 “ that the same have not usually been, or shall  
 “ not be charged or assessed to all or any of the  
 “ public taxes, church rates, and parish du-  
 “ ties, as mentioned in the said act, made in  
 “ the tenth year of the reign of queen *Anne*, or  
 “ in respect or right of any other messuages or  
 “ lands not thereinbefore specified, in regard or  
 “ by reason that the same have not been usually  
 “ charged or assessed to all and every the public  
 “ taxes, church rates, and parish duties aforesaid,  
 “ provided that such messuages or lands have  
 “ usually been charged or assessed to some one  
 “ or more of the said public taxes, rates, or  
 “ duties, in such proportion as other messuages  
 “ or lands of forty shillings *per annum* within

13 Geo. 2. c. 20.

Provisions in  
10 Ann. c. 23.  
§ 2, and 12 Ann.  
stat. 1. c. 5,  
extended to  
lands and tene-  
ments, in re-  
spect of which  
persons shall  
vote at elec-  
tions for mem-  
bers for cities  
or towns, be-  
ing counties of  
themselves.

Persons voting  
at such elec-  
tions as free-  
holders, not  
having an  
estate one year  
before elec-  
tion, assessed  
as in the said  
acts is de-  
scribed, liable  
to the penal-  
ties and forfeit-  
ures of 10 Ann.  
c. 23, with the  
same excep-  
tions as there-  
in.

(Repealed by 19  
Geo. 2. c. 28.

§ 2, as to the  
provisions re-  
quiring assess-  
ment to taxes,  
rates, &c.)

“ the same parish or township, where the same  
“ shall lie or be, are usually charged to the same,  
“ any thing contained in the said act, made in the  
“ tenth year of the reign of queen *Anne*, to the  
“ contrary thereof in anywise notwithstanding;  
“ and whereas it is reasonable, that provision  
“ should likewise be made to prevent any  
“ fraudulent conveyances of lands and tene-  
“ ments, in order to multiply votes for electing  
“ members to serve in parliament, for such cities  
“ and towns as are counties of themselves,  
“ wherein persons have a right to vote for  
“ electing such members, for or in respect  
“ of lands, tenements, or hereditaments, of  
“ the yearly value of forty shillings:” Be it en-  
acted, by the king’s most excellent majesty, by  
and with the advice and consent of the lords  
spiritual and temporal, and commons, in this  
present parliament assembled, and by the au-  
thority of the same, that from and after the  
twenty-fifth day of March, one thousand se-  
ven hundred and forty, the said provisions  
contained in the said in part recited act, made  
in the tenth year of the reign of queen *Anne*,  
for preventing fraudulent conveyances in order  
to multiply votes for electing knights for shires,  
and in the said act made in the next sessions of  
parliament, shall be extended and construed to  
extend, to such lands or tenements, for or in re-  
spect of which any person shall vote for the  
election of any member to serve in parliament  
for any such city or town as aforesaid, being a  
county of itself, in that part of *Great Britain*  
called *England*, and that if any person shall  
vote for the election of any such member as a  
freeholder, not having such an estate for one  
year before the same election, and so charged or  
assessed as in the said acts, or one of them, is



described, except in cases therein excepted, <sup>13 Geo. 2. c. 1</sup> every such person shall be subject to the like penalties and forfeitures, as are by the said act, made in the tenth year of the reign of queen *Anne*, imposed on persons voting for knights of shires, not having the qualifications thereby required.—A. D. 1740.

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The Stat. 18 Geo. 2. c. 18.

*An Act to explain and amend the Laws touching the Elections of Knights of the Shire to serve in Parliament for that Part of Great Britain called England (a).*

“ WHEREAS several delays and inconveni-  
 “ encies have arisen in elections of knights of  
 “ shires to serve in parliament, to the great  
 “ trouble and expence of the candidates and  
 “ electors:” For remedy thereof, be it enacted,  
 by the king’s most excellent majesty, by and  
 with the advice and consent of the lords spi-  
 ritual and temporal, and commons, in this pre-  
 sent parliament assembled, and by the authority  
 of the same, that from and after the twenty-  
 fourth day of June, one thousand seven hun-  
 dred and forty-five, upon every election to be  
 made within that part of *Great Britain* called  
*England*, or dominion of *Wales*, of any knight  
 or knights of the shire to serve in parliament,

(a) For a corresponding towns being counties, see 19  
 act with respect to elections Geo. 2. c. 28.  
 of members for cities and

Geo. 2. c. 18.

instead of the  
by 10 Ann.  
23, another  
pointed for  
holders.

every freeholder, instead of the oath or affirmation prescribed to be taken, by an act of parliament made in the tenth year of the reign of her late majesty queen *Anne*, intituled, *An act for the more effectual preventing fraudulent conveyances in order to multiply votes for electing knights of shires to serve in parliament*, before he is admitted to poll at the said election, shall (if required by the candidates, or any of them, or any other person having a right to vote at the said election) first take the oath (or, being one of the people called quakers, the solemn affirmation) following, viz.

oath.

(a) “ You shall swear [*or, being one of the people called quakers, you shall solemnly affirm*]  
“ that you are a freeholder in the county of  
“ , and have a freehold estate,  
“ consisting of [specifying the  
“ nature of such freehold estate, whether mes-  
“ suage, land, rent, tithe, or what else; and  
“ if such freehold estate consists in messuages,  
“ lands, or tithes, then specifying in whose  
“ occupation the same are; and if in rent,  
“ then specifying the names of the owners or  
“ possessors of the lands or tenements, out of  
“ which such rent is issuing, or of some or one  
“ of them] lying or being at  
“ in the county of , of the clear  
“ yearly value of forty shillings, over and above  
“ all rents and charges payable out of, or in  
“ respect of the same; and that you have been  
“ in the actual possession or receipt of the rents  
“ and profits thereof, for your own use, above  
“ twelve calendar months, or that the same

(a) This oath is inserted to in argument, that it might  
among the oaths, *ante*, xxx. be inconvenient that it should  
But it is so frequently referred not be in its place.

“ came to you within the time aforesaid, by de- 18 Geo. 2. c.  
 “ scent, marriage, marriage settlement, devise, or  
 “ promotion to a benefice in a church, or by  
 “ promotion to an office; and that such free-  
 “ hold estate has not been granted or made to  
 “ you fraudulently, on purpose to qualify you  
 “ to give your vote; and that the place of your  
 “ abode is at , in ,  
 “ and that you are twenty-one years of age, as  
 “ you believe, and that you have not been polled  
 “ before at this election.”

Which oath (or solemn affirmation) the sheriff, by himself, his under-sheriff, or such sworn clerk or clerks as shall be by him appointed for the taking of the poll, is hereby required to administer; and in case any freeholder or other person taking the said oath or affirmation hereby appointed, shall thereby commit wilful perjury, and be thereof convicted; and if any person do unlawfully or corruptly procure, or suborn any freeholder or other person, to take the said oath or affirmation in order to be polled, whereby he shall commit such wilful perjury, and shall be thereof convicted; he and they, for every such offence, shall incur such pains and penalties as are in and by two acts of parliament, the one made in the fifth year of the reign of the late queen *Elizabeth*, intituled, *An act for punishing such persons as shall procure or commit wilful perjury, or suborn or procure any person to commit any wilful or corrupt perjury*, the other made in the second year of his present majesty, intituled, *An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury, and to make it felony to steal bonds, notes, or*

To be administered by sheriff, under-sheriff, or clerk, &c.

Persons taking the oath, &c. committing perjury, and convicted, persons suborning others, &c. convicted, to incur penalty of 5 Edw. c. & 2 Geo. 2. 25.

Geo. 2. c. 18. *other securities for payment of money, contrary to the said acts.*

clauses repealed  
of 10 Ann.  
23. § 2.

and 12 Ann.  
1. c. 5.

§ 2. “ And whereas, by the said act, made in  
“ the tenth year of the reign of her late majesty  
“ queen *Anne*, it is enacted as follows: viz. that  
“ from and after the first day of May, which was  
“ in the year of our Lord one thousand seven  
“ hundred and twelve, no person shall vote for  
“ the electing of any knight of a shire within  
“ that part of *Great Britain* called *England*,  
“ in respect or in right of any lands or tene-  
“ ments which have not been charged or  
“ assessed to the public taxes, church rates, and  
“ parish duties, in such proportion as other  
“ lands or tenements of forty shillings *per an-*  
“ *num*, within the same parish or township  
“ wherein the same shall lie or be, are usually  
“ charged; and whereas, by an act of parlia-  
“ ment made in the twelfth year of the reign of  
“ her said late majesty queen *Anne*, for explain-  
“ ing the said recited clause, it is enacted, that  
“ the said act, or any thing therein contained,  
“ shall not extend, or be construed to restrain  
“ any person from voting in such election of any  
“ knight of a shire within that part of *Great*  
“ *Britain* called *England*, in respect or in right  
“ of any rents, tithes, or other incorporeal  
“ inheritances, or any messuages or lands in  
“ extra-parochial places, or any chambers in  
“ the inns of court or inns of chancery, or any  
“ messuages or seats belonging to any offices,  
“ in regard or by reason that the same have not  
“ been usually charged or assessed to all or any  
“ the public taxes, church rates, and parish du-  
“ ties, as mentioned in the above recited act, or  
“ in respect or right of any other messuages or

“lands not hereinbefore specified, in regard  
 “or by reason that the same have not been  
 “usually charged or assessed to all and every  
 “the public taxes, church rates, and parish  
 “duties aforesaid; provided that such mes-  
 “suages or lands have usually been charged or  
 “assessed to some one or more of the said pub-  
 “lic taxes, rates, or duties, in such proportion  
 “as other messuages or lands of forty shillings  
 “*per annum*, in the same township or parish  
 “where the same shall lie or be, are usually  
 “charged to the same:” Be it enacted by the  
 authority aforesaid, that so much of the said  
 recited act as disables any person to vote for  
 knights of shires, in respect or in right of any  
 lands or tenements, which have not been  
 charged or assessed as therein mentioned, shall,  
 from and after the said twenty-fourth day of  
 June, be and is hereby repealed (*a*).

18 Geo. 2. c. 18.

So much of re-  
 cited act as  
 disables per-  
 sons to vote for  
 knights of  
 shires, in re-  
 spect of lands,  
 &c. not assess-  
 ed as therein,  
 repealed.

§ 3. Provided always, that from and after the  
 said twenty-fourth day of June, no person shall  
 vote for the electing of a knight or knights of  
 the shire to serve in parliament, within that  
 part of *Great Britain* called *England*, or the  
 principality of *Wales*, in respect or in right of  
 any messuages, lands, or tenements, which have  
 not been charged or assessed towards some aid  
 granted, or hereafter to be granted, to his ma-  
 jesty, his heirs, or successors, by a land-tax in  
*Great Britain*, twelve calendar months next  
 before such election.

None to vote  
 for knights of  
 the shire, in  
 respect of any  
 messuages, &c.  
 not assessed to  
 the land-tax  
 twelve calen-  
 dar months  
 before election,  
 (see the altera-  
 tions of the law,  
 by 20 Geo. 3. c.  
 17.)

(*a*) See the corresponding sions to cities and towns, be-  
 repeal of the 13 Geo. 2. c. 20, ing counties), by the stat. 19  
 (which extended such provi- Geo. 2. c. 28. § 2.

18 Geo. 2. c. 18.

Exception for voting in right of chambers, in inns of court, &c. and messuages or seats belonging to offices.

Commissioners of the land-tax to sign and seal one duplicate of the assessments, to be delivered to the clerk of the peace, to be kept among the records of the sessions.

Such duplicate may be inspected, and copies to be given to persons requiring, and paying for them.

Voters at such election, must have a freehold of 40s. per annum, above all charges,

§ 4. Provided also, that this act, or any thing therein contained, shall not extend, or be construed to extend, to restrain any person from voting in any such election of any knight or knights of a shire, within that part of *Great Britain* called *England*, or principality of *Wales*, in respect or in right of any rents, or any chambers in the inns of court, or inns of chancery, or any messuages or seats belonging to any offices, in regard or by reason that the same have not been usually charged or assessed to the aid, commonly called the land-tax; and that the acting commissioners of the land-tax, for the time being, or any three or more of them, at their meetings for the respective divisions, shall sign and seal one other duplicate of the copies of the respective assessments, to be delivered to them by the several assessors, after all appeals determined, and the same to deliver, or cause to be delivered, to the clerks of the peace for their respective counties, to be by them kept amongst the records of the sessions, to which all persons may resort, at all seasonable times, and inspect the same, paying sixpence for such inspection; and the said clerks of the peace, or their deputies, are hereby required forthwith to give copies of the said duplicates, or any part thereof, to any such person or persons, who shall require the same, paying after the rate of sixpence for every three hundred words, and so in proportion for any greater or lesser number.

§ 5. And be it further enacted, by the authority aforesaid, that from and after the said twenty-fourth day of June, one thousand seven hundred and forty-five, no person shall vote in

any such election, without having a freehold estate in the county for which he votes, of the clear yearly value of forty shillings, over and above all rents and charges payable out of, or in respect of the same, or without having been in the actual possession, or in the receipt of the rents and profits thereof, for his own use, above twelve calendar months, unless the same came to him within the time aforesaid, by descent, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to an office, or shall vote in respect, or in right of any freehold estate, which was made or granted to him fraudulently, on purpose to qualify him to give his vote, or shall vote more than once at the same election; and if any person shall vote in any such election, contrary to the true intent and meaning hereof, he shall forfeit to any candidate, for whom such vote shall not have been given, and who shall first sue for the same, the sum of forty pounds, to be recovered by him or them, his or their executors or administrators, together with full costs of suit, by action of debt, in any of his majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed; and in every such action, the proof shall lie on such person against whom the same was brought, unless the fact on which such action is grounded, be the having polled more than once at the same election.

18 Geo. 2. c. 18.

(see post, § 6.)  
and must have been in actual possession, or in the enjoyment of the rents and profits above 12 calendar months, unless the same came by descent, marriage, devise, or promotion.


None to vote in respect of freehold granted to him fraudulently, on purpose to qualify him to vote.

And none to vote more than once at the same election, under the penalty of 40*l.* and costs, to any candidate, for whom offender shall not have voted, first suing.

Except in the latter case, in actions for such penalty, proof to lie upon the defendant.

§ 6. And be it declared, by the authority aforesaid, that no public or parliamentary tax, county, church, or parish rate, or duty, or any other

No tax herein to be deemed a charge on a freehold.

18 Geo. 2. c. 18.  tax, rate, or assessment whatsoever, to be assessed or levied upon any county, division, rape, lathe, wapentake, ward, or hundred, is or shall be deemed or construed to be any charge payable out of, or in respect of, any freehold estate, within the meaning and intention of this act, or of the oath or solemn affirmation hereinbefore directed to be administered to, and taken by, every freeholder, if required, as aforesaid.

(For § 7, booths, poll-clerks, &c. see 1 vol. 543.—For § 8, voting at the proper booth, ib. 653.—For § 9, cheque-books, ib. 588.—For § 10, county court, ib. 532.—For § 11, county court, ib. 536.)

Sheriff, &c. offending against this act, may be prosecuted by information or indictment.

No *noli prosequi*, or *cesset processus*, to be granted.

§ 12. And be it further enacted, by the authority aforesaid, that in case any such sheriff, or under-sheriff, who shall preside at any election of any such knight or knights of the shire, within that part of *Great Britain* called *England*, or dominion of *Wales*, shall wilfully offend against, or act contrary to, the true intent and meaning of this act, every such sheriff, or under-sheriff, shall be liable to be prosecuted, by information or indictment, in his majesty's court of king's bench at *Westminster*, or in the courts of great sessions in the principality of *Wales*, or at the sessions held for the counties palatine of *Chester*, *Lancaster*, and *Durham*, or at the assizes for the county, city, town, or place where such offence shall be committed, in which no *noli prosequi*, or *cesset processus*, shall be granted; any law, custom, or usage to the contrary thereof, in anywise notwithstanding.



§ 13. And be it further enacted, by the authority aforesaid, that it shall and may be sufficient for the plaintiff in any action of debt given by this act, to set forth in the declaration or bill that the defendant is indebted to him in the sum of        and to alledge the particular offence for which the action or suit is brought, and that the defendant had acted contrary to this act, without mentioning the writ of summons to parliament, or the return thereof; and it shall be sufficient, in any indictment or information for any offence committed contrary to this act, to alledge the particular offence charged upon the defendant; and that the defendant is guilty thereof, without mentioning the writ of summons to parliament, or the return thereof; and upon trial of any issue in such action, suit, indictment, or information, the plaintiff, prosecutor, or informer, shall not be obliged to prove the writ of summons to parliament, or the return thereof, or any warrant of authority to the sheriff, grounded upon any such writ of summons.

18 Geo. 2. c. 18.

How the plaintiff in an action of debt, under act, shall declare, &c.

§ 14. Provided always, that every action, suit, indictment, or information given by this act, shall be commenced within the space of nine calendar months, after the fact upon which the same is grounded shall have been committed.

Actions, &c. to be commenced within nine months.

§ 15. And be it further enacted, by the authority aforesaid, that all the statutes of jeofails and amendments of law whatsoever, shall and may be construed to extend to all proceedings in any action, suit, indictment, or information

Statutes of jeofails, &c. extended to proceedings on this act.

18 Geo. 2. c. 18.

given or allowed by this act, or which shall be brought in pursuance thereof.

Plaintiff, &c. discontinuing, &c. or nonsuited, &c. defendant to have treble costs.

§ 16. Provided always, and be it further enacted by the authority aforesaid, that in case the plaintiff or informer in any action, suit, indictment, or information given by this act, shall discontinue the same, or be nonsuited, or judgment be otherwise given against him, then, and in any of the said cases, the defendant, against whom such action, suit, or information shall have been brought, shall recover his treble costs.—A. D. 1745.

The Stat. 19 Geo. 2. c. 28.

*An Act for the better regulating of Elections of Members to serve in Parliament for such Cities and Towns, in that Part of Great Britain called England, as are Counties of themselves (a).*

18 Geo. 2. c. 18.

“ WHEREAS, by an act made and passed in the last session of parliament, intituled, *An act to explain and amend the laws touching the elections of knights of the shire to serve in parliament for that part of Great Britain called England*, several good provisions were enacted for the better regulating the said

(a) For some such places with respect to electors of where this act, except § 6 and knights of the shire, 188 7, does not operate, see § 13. 18 Geo. 2. c. 18.  
For a corresponding act,

“ elections; and whereas it is reasonable, that 19 Geo. 2. c. 23.  
 “ like provisions should be made for the due  
 “ election of members to serve in parliament for  
 “ such cities and towns in that part of *Great*  
 “ *Britain* called *England*, as are counties of  
 “ themselves, and in which persons have a right  
 “ to vote for electing such members for and in  
 “ respect of freehold lands, tenements, or here-  
 “ ditaments, of the yearly value of forty shil-  
 “ lings;” therefore, be it enacted by the king’s  
 most excellent majesty, by and with the advice  
 and consent of the lords spiritual and temporal,  
 and commons, in this present parliament as-  
 sembled, and by the authority of the same,  
 That from and after the twenty-fourth day of  
 June, one thousand seven hundred and forty-  
 six, every person, demanding to vote for the  
 election of any member to serve in parliament  
 for such city or town being a county of itself,  
 in that part of *Great Britain* called *England*,  
 for and in respect of any freehold estate of forty  
 shillings a year, shall, before he is admitted to  
 poll at the said election [if required by the can-  
 didates or any of them, or any person having a  
 right to vote at the said election,] first take the  
 oath [or, being a quaker, the solemn affirmation]  
 following, viz.

Persons de-  
 manding to  
 vote for elec-  
 tion of mem-  
 bers, for cities  
 and towns, be-  
 ing counties of  
 themselves, (if  
 required by  
 any candidate  
 or voter) be-  
 fore admitted  
 to poll, to take  
 the following

(a) “ You shall swear [or, being a quaker, you shall solemnly affirm], That you have a free-  
 “ hold estate, consisting of [specifying the  
 “ nature of such freehold estate, whether mes-  
 “ suage, land, rent, tithe, or what else; and  
 “ if such freehold estate consists in messuages,

oath or affe-  
 mation.

(a) This oath is also among reason as that of the 18 Geo.  
 the oaths, ante, xxxi.; but it 2. c. 18. See ante, Dxliv.  
 is repeated here for the same

19 Geo. 2. c. 28. “ lands, or tithes, then specifying in whose  
 “ occupation the same are; and if rent, then  
 “ specifying the names of the owners, or pos-  
 “ sessors of the lands or tenements, out of  
 “ which such rent is issuing, or some or one  
 “ of them], lying or being in the city and  
 “ county, or town and county [as the case may  
 “ be] of                      of the clear yearly value of  
 “ forty shillings, over and above all rents and  
 “ charges payable out of, or in respect of the  
 “ same; and that you have been in the actual  
 “ possession or receipt of the rents and profits  
 “ thereof for your own use, above twelve calen-  
 “ dar months; or that the same came to you  
 “ within the time aforesaid by descent, mar-  
 “ riage, marriage settlement, devise, or promo-  
 “ tion to a benefice in a church, or by promotion  
 “ to an office; and that such freehold estate has  
 “ not been granted or made to you fraudulently,  
 “ on purpose to qualify you to give your vote;  
 “ and that the place of your abode is at  
 “                      in                      and that you  
 “ are twenty-one years of age, as you believe,  
 “ and that you have not been polled before at  
 “ this election.”

The oath, &c.  
 to be admini-  
 stered by she-  
 riff, under she-  
 riff, or sworn  
 clerks.

Persons taking  
 the oath, &c.  
 committing  
 wilful perjury,

Which oath [or solemn affirmation] the she-  
 riff or sheriffs, by him or themselves, or his or  
 their under-sheriff or under-sheriffs, or such  
 sworn clerk or clerks as shall be by him or them  
 appointed for the taking of the poll, is and are  
 hereby required to administer; and in case any  
 freeholder or other person, taking the said oath  
 or affirmation hereby appointed, shall thereby  
 commit wilful perjury, and be thereof convicted;  
 and if any person do unlawfully and corruptly  
 procure or suborn any freeholder or other person

to take the said oath or affirmation in order to be polled, whereby he shall commit such wilful perjury and shall be thereof convicted, he and they for every such offence shall incur such pains and penalties as are in and by two acts of parliament, [the one made in the fifth year of the reign of the late queen *Elizabeth*, intituled, *An act for punishment of such persons as shall procure or commit wilful perjury*; the other made in the second year of the reign of his present majesty, intituled, *An act for the more effectual preventing and further punishment of forgery, perjury, subornation of perjury, and to make it felony to steal bonds, notes, and other securities for payment of money*;] directed to be inflicted for offences committed contrary to the said acts.

19 Geo. c. 28.

and convicted, or suborning others, and convicted, to incur the pains and penalties in 5 Eliz. c. 9, and 2 Geo. 2. c. 25.

§ 2. “ And whereas, by an act made in the tenth year of the reign of queen *Anne*, intituled, *An act for the more effectual preventing fraudulent conveyances in order to multiply votes for electing knights of shires to serve in parliament*, it was enacted, That no person should vote for the electing a knight of the shire within that part of *Great Britain* called *England*, in respect or in right of any lands or tenements which had not been charged or assessed to the public taxes, church rates, and parish duties, in such proportion as other lands or tenements of forty shillings *per annum*, within the same parish or township where the same should lie, or had been usually charged: And whereas, by an act of parliament made in the twelfth year of the reign of her said late majesty queen *Anne*, for explaining the said recited clause, it is en-

10 Anne, c. 23, recited.

(§ 2.)

12 Ann. st. 1. c. 5, recited.

19 Geo. 2. c. 28.



“ acted, that the said act, or any thing therein  
 “ contained shall not extend, or be construed  
 “ to restrain any person from voting in such  
 “ election of any knight of a shire within that  
 “ part of *Great Britain* called *England*, in  
 “ respect or in right of any rents, tithes, or  
 “ other incorporeal inheritances, or any mes-  
 “ suages or lands in extra-parochial places, or  
 “ any chambers in the inns of court, or inns of  
 “ chancery, or any messuages or seats belonging  
 “ to any offices, in regard or by reason that the  
 “ same have not been usually charged or as-  
 “ sessed to all or any the public taxes, church  
 “ rates, and parish duties aforesaid, or in respect  
 “ or right of any other messuages or lands not  
 “ therein before specified, in regard or by reason  
 “ that the same have not been usually charged  
 “ or assessed to all and every the public taxes,  
 “ church rates, and parish duties aforesaid, pro-  
 “ vided that such messuages or lands have  
 “ usually been charged or assessed to some one  
 “ or more of the said public taxes, rates, or du-  
 “ ties, in such proportion as other messuages or  
 “ land of forty shillings *per annum*, in the same  
 “ parish or township where the same shall lie  
 “ or be, are usually charged to the same; which  
 “ said provisions are recited in an act of par-  
 “ liament made in the thirteenth year of the  
 “ reign of his present majesty, intituled, *An act*  
 “ *for the more effectually preventing fraudu-*  
 “ *lent qualifications of persons to vote as free-*  
 “ *holders in the election of members to serve in*  
 “ *parliament for such cities and towns as are*  
 “ *counties of themselves, in that part of Great*  
 “ *Britain called England*; and are therein en-  
 “ acted to extend, and to be construed to extend,  
 “ to such lands or tenements for or in respect of

19 Geo. 2. c. 20,  
 recited.

“ which any person shall vote for the election 19 Geo. 2. c. 28.  
 “ of any member to serve in parliament for any  
 “ such city or town as aforesaid, being a county  
 “ of itself, in that part of *Great Britain* called  
 “ *England*; and whereas, by an act passed in 18 Geo. 2. c. 18,  
 “ the last session of this present parliament, it recited.  
 “ is enacted, that so much of the said recited  
 “ acts of the tenth and twelfth years of the  
 “ reign of the late queen *Anne*, as disables any  
 “ person to vote for knights of shires in respect  
 “ or in right of any lands or tenements which  
 “ have not been charged or assessed as therein  
 “ mentioned, shall be and is repealed:” Be it  
 enacted by the authority aforesaid, that so  
 much of the said recited act of the thirteenth  
 year of the reign of his present majesty as ex-  
 tends the said provisions to such cities and  
 towns that are counties of themselves as afore-  
 said, shall also, from and after the said twenty-  
 fourth day of June, one thousand seven hundred  
 and forty-six, be, and it is hereby repealed.

So much of the  
13 Geo. 2. re-  
pealed, as ex-  
tends recited  
provisions to  
cities and  
towns being  
counties.

§ 3. Provided always, that from and after the  
said twenty-fourth day of June, one thousand  
seven hundred and forty-six, no person shall  
vote for the electing a member or members to  
serve in parliament for such city or town, being  
a county of itself as aforesaid, within that part  
of *Great Britain* called *England*, in respect or  
in right of any freehold, messuages, lands, or  
tenements, of the yearly value of forty shillings  
as aforesaid, which have not been charged or  
assessed towards some aid granted or hereafter  
to be granted to his majesty, his heirs or succes-  
sors, by a land tax (a) in *Great Britain*, twelve

Voters for  
members for  
cities or towns  
being counties,  
in respect of  
freeholds of  
40s. a year,  
must have been  
assessed to the  
land tax 12  
calendar  
months before  
election.

(a) See a provision for cases where land tax has been  
redeemed, 42 Geo. 3. c. 116, *post*.

19 Geo. 2. c. 28.

Exception for voting in right of rents, messuages, or seats belonging to offices.

Commissioners of the land tax to sign and seal duplicates of the assessments to be delivered to the clerks of the peace, &c. to be kept among the records of the sessions.

Such may be inspected;

copies to be given to persons requiring and paying for them.

Voters at election of members for cities or towns being counties, where the right is to vote in

calendar months next before such election  
 Provided, that nothing herein contained shall extend, or be construed to restrain any person from voting in any such election for cities and towns as are counties of themselves as aforesaid, in respect or in right of any rents, or any messuages or seats belonging to any offices in regard or by reason that the same have not been usually charged or assessed to the aid commonly called the land tax; and the acting commissioners of the land tax for the time being, or any three or more of them at their meetings, shall sign and seal one other duplicate of the copies of the assessment or assessments, to be delivered to them by the assessors after all appeals determined, and the same shall deliver, or cause to be delivered, to the persons officiating as clerks of the peace within the districts of the said cities and towns, being counties of themselves as aforesaid respectively, to be by them kept amongst the records of the sessions, to which all persons may resort at all seasonable times, and inspect the same, paying six-pence for such inspection; and the said persons officiating as clerks of the peace or their deputies, are hereby required forthwith to give copies of the said duplicates, or any part thereof, to any person or persons who shall require the same, paying after the rate of six-pence for every three hundred words, and so in proportion for any greater or less number.

§ 4. And be it further enacted, by the authority aforesaid, that from and after the said twenty-fourth day of June, one thousand seven hundred and forty-six; no person shall vote in such election of a member or members to serve



in parliament for any city or town, being a county of itself, and in which persons have a right to vote for such members, for and in respect of lands, tenements, or hereditaments of the yearly value of forty shillings, unless such persons shall have a freehold estate in the city and county, or town and county, for which he votes, of the clear yearly value of forty shillings, over and above all rents and charges payable out of or in respect of the same, and shall have been in the actual possession or in receipt of the rents and profits thereof for his own use above twelve calendar months, except the same came to him within the time aforesaid, by descent, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to an office; and no person shall vote in respect or in right of any freehold estate which was made or granted to him fraudulently, on purpose to qualify him to give his vote, or shall vote more than once at the same election; and if any person shall vote in any such election contrary to the true intent and meaning hereof, he shall forfeit to any candidate for whom such vote shall not have been given, and who shall first sue for the same, the sum of forty pounds, to be recovered by him or them, his or their executors or administrators, together with full costs of suit, by action of debt in any of his majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed; and in every such action the proof shall lie on such person against whom the same was brought, unless the fact, on which such action is grounded, be the having polled more than once at the same election.

19 Geo. 2.c.28.

respect of lands, &c. to the amount of 40s. must have a freehold to that amount above all charges.  
(See post, § 5.)

And must have been in actual possession or in the enjoyment of the rents and profits above 12 calendar months, unless the same came by descent, marriage, devise, or promotion.

None to vote in respect of freehold granted to him fraudulently on purpose to qualify him to vote.

None to vote more than once at the same election.

Penalty of 40l. and costs to any candidate for whom offender shall not have voted, first suing.

(Except in the latter case) in actions for such penalty, proof to be upon defendant.

19 Geo. 2.c.28.

No public tax,  
&c. to be deem-  
ed a charge on  
a freehold.

§ 5. And be it declared by the authority aforesaid, That no public or parliamentary tax, church or parish rate or duty, or any other tax, rate, or assessment whatsoever, to be assessed or levied within such cities or towns, being counties of themselves as aforesaid, is or shall be deemed or construed to be any charge payable out of or in respect of any freehold estate, within the meaning and intention of this act, or of the oath or solemn affirmation herein-before directed to be administered to, and taken by, every freeholder, if required, as aforesaid.

(For § 6, allowing cheque books to candidates, see 1 vol 589.—For § 7, regulating the notice and time of election, see ib. 537.)

Sheriffs, &c. of-  
fending against  
this act may be  
prosecuted by  
information or  
indictment as  
herein.

§ 8. And be it further enacted, by the authority aforesaid, that in case any sheriff or under-sheriff presiding at any election of a member or members to serve in parliament for any such city or town, being a county of itself as aforesaid, within that part of *Great Britain* called *England*, shall wilfully offend against or act contrary to the true intent and meaning of this act, every such sheriff or under-sheriff shall be liable to be prosecuted by information or indictment in his majesty's court of king's bench at *Westminster*, or at the assizes for the city or town where such offence shall be committed, in which no *noli prosequi* or *cesset processus* shall be granted; any law, custom, or usage to the contrary thereof in anywise notwithstanding.

No *noli pro-*  
*sequi* or *cesset*  
*processus* to be  
granted.

How plaintiff  
in an action of

§ 9. And be it further enacted, by the authority aforesaid, that it shall and may be sufficient

for the plaintiff in any action of debt given by this act, to set forth in the declaration or bill, that the defendant is indebted to him in the sum of \_\_\_\_\_, and to alledge the particular offence for which the action or suit is brought, and that the defendant hath acted contrary to this act, without mentioning the writ of summons to parliament, or the return thereof; and it shall be sufficient in any indictment or information for any offence committed contrary to this act, to alledge the particular offence charged upon the defendant, and that the defendant is guilty thereof, without mentioning the writ of summons to parliament, or the return thereof; and upon trial of any issue in any such action, suit, indictment, or information, the plaintiff, prosecutor, or informer, shall not be obliged to prove the writ of summons to parliament, or the return thereof, or any warrant or authority to the sheriff or sheriffs grounded upon any such writ of summons.

19 Geo. 2. c. 28.  
debt is to declare, &c.

Form of indictment, &c. evidence.

§ 10. Provided always, that every action, suit, indictment, or information, given by this act, shall be commenced within the space of nine calendar months after the fact upon which the same is grounded shall have been committed.

Actions, &c. to be commenced within nine months.

§ 11. And be it further enacted, by the authority aforesaid, that all the statutes of jeofails and amendments of the law whatsoever, shall and may be construed to extend to all proceedings in any action, suit, indictment, or information given or allowed by this act, or which shall be brought in pursuance thereof.

Statutes of jeofails extended to such proceedings.

19 Geo. 2. c. 28.

Plaintiff, &c.  
discontinuing,  
&c. or non-  
sued, defend-  
ant to have  
treble costs.

§ 12. Provided always, and be it further enacted, by the authority aforesaid, that in case the plaintiff or informer in any action, suit, indictment, or information given by this act, shall discontinue the same, or be nonsuited, or judgment be otherwise given against him, then and in any of the said cases, the defendant against whom such action, suit, or information, shall have been brought, shall recover his treble costs.

Act (except the provisions concerning cheque-books, or concerning the notice of election and proceeding thereto) not to extend to cities or towns being counties, where the right of voting is in respect of burgage tenure, or if freeholds, not required to amount to 40s.

§ 13. Provided always, and be it enacted, by the authority aforesaid, that this act, or any thing therein contained (other than, and except such clauses and provisions as are by this act made for or concerning allowing cheque books, or for or concerning notice to be given of the time and place of election, and proceeding to election thereupon) shall not extend, or be construed to extend, to any city or town, being a county of itself, or to any person or persons, where the right of voting for any member or members of any such city or town is, for or in respect of burgage tenure, or where the right of voting for such member or members for or in respect of a freehold, does not require the same to be of the yearly value of forty shillings.—A. D. 1746.

The Stat. 31 Geo. 2. c. 14.

*An Act for the further explaining the Laws touching the Electors of Knights of the Shire to serve in Parliament for that Part of Great Britain called England.*

“ WHEREAS, by an act made in the 18 Geo. 2. c. 1  
 “ eighteenth year of the reign of his present recited.  
 “ majesty, intituled, *An Act to explain and*  
 “ *amend the laws touching the elections of*  
 “ *knights of the shire, to serve in parliament*  
 “ *for that part of Great Britain called Eng-*  
 “ *land,* it is enacted, that no person shall vote  
 “ at the election of any knight or knights of a  
 “ shire, within that part of *Great Britain*  
 “ called *England,* or principality of *Wales,*  
 “ without having a freehold estate in the county  
 “ for which he votes, of the clear yearly value  
 “ of forty shillings, over and above all rents  
 “ and charges payable out of or in respect of  
 “ the same; and whereas, notwithstanding the  
 “ said act, certain persons who hold their estates  
 “ by copy of court roll, pretend to have a right  
 “ to vote, and have, at certain times, taken  
 “ upon them to vote at such elections;” Be it  
 therefore enacted by the king’s most excellent  
 majesty, by and with the advice and consent of  
 the lords spiritual and temporal, and com-  
 mons, in this present parliament assembled, and  
 by the authority of the same, that from and after  
 the twenty-fourth day of June, one thousand

Copyholders  
not entitled

31 Geo. 2. c. 14.

to vote for  
knights of the  
shire;

such vote void,  
and the person  
voting to for-  
feit 50*l.* to any  
candidate for  
whom he has  
not voted, first  
suing,

with costs.

*Onus probandi*  
in such action  
to lie upon de-  
fendant.

seven hundred and fifty-eight, no person who holds his estate by copy of court roll shall be entitled thereby to vote at the election of any knight or knights of a shire, within that part of *Great Britain* called *England*, or principality of *Wales*; and if any person shall vote in any such election, contrary to the true intent and meaning hereof, every such vote shall be void to all intents and purposes whatsoever; and every person so voting shall forfeit to any candidate for whom such vote shall not have been given, and who shall first sue for the same, the sum of fifty pounds; to be recovered by him or them, his, her, or their executors and administrators, together with full costs of suit, by action of debt in any of his majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed; and in every such action the proof shall lie on the person against whom such action shall be brought.

How plaintiff  
in an action of  
debt under act  
shall declare,  
&c.

Evidence.

§ 2. And be it further enacted, by the authority aforesaid, that it shall and may be sufficient for the plaintiff in any such action of debt to set forth in the declaration or bill, that the defendant is indebted to him in the sum of fifty pounds, and to alledge the offence for which the action or suit is brought, and that the defendant hath acted contrary to this act, without mentioning the writ of summons to parliament, or the return thereof; and upon trial of any issue in any such action or suit, the plaintiff shall not be obliged to prove the writ of summons to parliament or the return thereof, or any warrant

or authority to the sheriff grounded upon any such writ of summons, 31 Geo. 2. c. 14.

§ 3. Provided always, that every such action or suit shall be commenced within the space of nine calendar months next after the fact, upon which the same is grounded, shall have been committed. Actions, &c. to be commenced within nine months.

§ 4. And be it further enacted, by the authority aforesaid, that all the statutes of jeofails, and amendments of the law whatsoever, shall and may be construed to extend to all proceedings in any such action or suit. Statutes of jeofails, &c. extended to such proceedings.

§ 5. Provided always, and be it further enacted, by the authority aforesaid, that in case the plaintiff, in any such action or suit, shall discontinue the same, or be nonsuited, or judgment be otherwise given against him; then, and in any of the said cases, the defendant, against whom such action or suit shall have been brought, shall recover his treble costs (a).—  
A. D. 1757. Plaintiff, &c. discontinuing action, &c. defendant to have treble costs.

(a) For the stat. 33 Geo. 2, c. 20, sec 1 vol. 45. For the stat. 3 Geo. 3, c. 15, see *ante*, xix.

The Stat. 3 Geo. 3. c. 24.

*An Act to prevent fraudulent and occasional Votes in the Elections of Knights of the Shire, and of Members for Cities and Towns which are Counties of themselves, so far as relates to the Right of Voting by virtue of Annuity or Rent-Charge.*

“ WHEREAS annuities or rent-charges granted  
 “ for a life or lives, or a greater estate, issuing  
 “ out of freehold lands or tenements, are of a  
 “ private nature, and therefore liable to fraudu-  
 “ lent practices in the elections of knights of  
 “ shires, to the prejudice of the candidates, and  
 “ of those who have just right to vote at such  
 “ elections; and whereas the right of election  
 “ of members to serve in parliament for several  
 “ cities and towns which are counties of them-  
 “ selves, in that part of *Great Britain* called  
 “ *England*, is vested partly, or in the whole,  
 “ in freeholders, in respect of freeholds of the  
 “ yearly value of forty shillings, lying within  
 “ such cities and towns; and whereas annuities  
 “ and rent-charges, for a life or lives, or a  
 “ greater estate, issuing out of such freehold  
 “ lands or tenements, are liable to the like  
 “ fraudulent practices:” For remedy whereof,  
 be it enacted by the king’s most excellent ma-  
 jesty, by and with the advice and consent of  
 the lords spiritual and temporal, and commons  
 in this present parliament assembled, and by  
 the authority of the same, that from and after



the first day of August, one thousand seven hundred and sixty-four, no person shall vote for electing any knight or knights of a shire, citizen or citizens, burgess or burgesses, of any such city or town for that part of *Great Britain* called *England*, for, or in respect of any annuity or rent-charge issuing out of freehold lands or tenements, and granted before the first day of June, one thousand seven hundred and sixty-three, unless a certificate, upon oath, shall have been entered twelve calendar months at least before the first day of such election, with the clerk of the peace for the county, riding, or division, or with the clerk of the peace, town clerk, or other public officer, having the custody of the records within such city or town where such lands or tenements do lie, as follows, (that is to say)

3 Geo. 3. c. 24.

No person may vote in elections of knights of the shire, or of members for cities and towns which are counties of themselves, in right of any annuity or rent-charge granted before June 1st, 1763, unless a certificate upon oath be entered with the clerk of the peace, or other proper officer, twelve months before any such elections begin;

“ I, *A. B.* of \_\_\_\_\_ am really and  
 “ *bona fide* seised of an annuity or rent-charge,  
 “ for my own use and benefit, of the clear yearly as herein,  
 “ value of forty shillings, above all rents and  
 “ charges payable out of the same, wholly issu-  
 “ ing out of freehold lands, tenements, or here-  
 “ ditaments, belonging to *C. D.* of \_\_\_\_\_,  
 “ situate, lying, and being, in the parish, town-  
 “ ship, or place, or in the parishes, townships,  
 “ or places, of *E.* in the county of \_\_\_\_\_  
 “ \_\_\_\_\_, without any trust, agreement, matter,  
 “ or thing to the contrary notwithstanding;  
 “ and I, or the person or persons under whom  
 “ I claim, was or were seised of the said annuity  
 “ or rent-charge before the first day of June,  
 “ one thousand seven hundred and sixty-three.”

§ 2. And be it further enacted, by the authority aforesaid, that no person shall vote for the

and with respect to such annuities or

3 Geo. 3. c. 24,

rent-charges as shall come by descent, marriage, devise, presentation or promotion, within twelve calendar months before election,

none to vote unless certificate upon oath, &c. entered with the clerk of the peace, &c. &c. before the first day of the election,

As herein,

Nor may any person vote in any election as aforesaid, after 1st Aug. 1764,

electing any knight or knights of a shire, or for a citizen or citizens, burgess or burgesses, of any such city or town, for that part of *Great Britain* called *England*, in respect of any annuity or rent-charge issuing out of freehold lands, tenements, or hereditaments, which shall come to such person, by descent, marriage, marriage settlement, devise, or presentation to a benefice in a church, or promotion to an office, within twelve calendar months next before such election respectively, unless a certificate upon oath, or affirmation if a quaker, shall have been entered with the clerk of the peace, town clerk, or other officer as aforesaid, before the first day of such election, as follows: that is to say,

“ I, *A. B.* of \_\_\_\_\_ am really and  
 “ *bona fide* seised of an annuity or rent-charge,  
 “ to my own use and benefit, of the clear yearly  
 “ value of forty shillings a year, above all rents  
 “ and charges payable out of the same, wholly  
 “ issuing out of freehold lands, tenements, or  
 “ hereditaments, belonging to *C. D.* of  
 “ \_\_\_\_\_ situate, lying, and being in the parish,  
 “ township, or place, or in the parishes, town-  
 “ ships, or places of \_\_\_\_\_, in the county  
 “ of \_\_\_\_\_, without any trust, agreement,  
 “ matter, or thing to the contrary notwith-  
 “ standing; and I became seised of the said  
 “ annuity or rent-charge, on the  
 “ day of \_\_\_\_\_ last past, by descent  
 “ or otherwise,” (*as the case may happen.*)

§ 3. And be it further enacted, by the authority aforesaid, that from and after the said first day of August, one thousand seven hundred and sixty-four, no person shall vote at any election of a knight or knights of the shire,

or of any citizen or citizens, burgess or burgesses, of any such city or town, within that part of *Great Britain* called *England*, for or in respect of any annuity or rent-charge to be granted after the said first day of June, one thousand seven hundred and sixty three, unless a memorial of the grant of such annuity or rent-charge shall have been (a) registered with the clerk of the peace of the county, riding, or division, or with the clerk of the peace, town clerk, or other public officer, having the custody of the records, within such city or town where the lands or tenements, out of which such annuity or rent-charge issues, shall lie, twelve calendar months at least before the first day of such election; which memorial shall be wrote on parchment, and directed to such clerk of the peace, town clerk, or other public officer, and shall be under the hand and seal of the grantor or grantors, and attested by two witnesses, one whereof to be one of the witnesses to the execution of such grant; which witness shall, upon oath, before such clerk of the peace, town clerk, or other officer as aforesaid, or their deputies, prove the sealing and delivering of such grant, and the signing and sealing of such memorial; and which memorial shall contain the day and year of the date, and the names, additions, and abodes, of the parties and witnesses, and all the lands and tenements out of which the annuity or rent-charge issues, and the parish, township, or place, or the parishes, townships, and places, where such lands and tenements lie; and that every such grant, of which such me-

19 Geo. 3. c. 24.

in respect of any annuity or rent-charge granted after the said 1st June, 1763, unless a memorial of the grant duly attested, be registered, &c.

Memorial to be on parchment, directed to the clerk of the peace, or other officer, to be under the hand and seal of grantor, attested by two witnesses, one whereof to be one of the witnesses to the execution of the grant; which witness to prove before clerk of the peace, &c. the sealing and delivering of the grant, and the signing and sealing of the memorial.

Memorial to contain the date, names, &c. of the parties, and lands, &c. out of which the annuity or rent-charge arises, and the parish, &c. where they lie.

(a) The yearly sums arising need not be registered. See from purchase of land tax 51 Geo. 3. c. 99.

3 Geo. 3. c. 24

Such grant to be produced at the time of registering, and the day and year of entering the memorial to be indorsed thereon by the proper officer:

Nor may any one vote in right of any assignment of any annuity or rent-charge made before the 1st June, 1763,

unless a certificate of assignment, to the like purport, as with respect to an original annuity or rent-charge as before mentioned, be entered, &c. twelve months before the first day of election; and if the assignment be made after the said 1st June, then a memorial thereof, and of the grant, to be attested and registered as is directed

memorial is so to be registered, shall, at the time of entering such memorial, be produced to such clerk of the peace, town clerk, or other officer as aforesaid, or their deputies, who shall thereon indorse a certificate, in which shall be mentioned the day and year on which such memorial shall be so entered.

§ 4. And be it further enacted, by the authority aforesaid, that from and after the said first day of August, one thousand seven hundred and sixty-four, no person shall vote at any election of a knight or knights of the shire, or of any citizen or citizens, burgess or burgesses, of any such city or town, in that part of *Great Britain* called *England*, by reason of an assignment of any annuity or rent-charge, or any part or parts thereof, made before the said first day of June, one thousand seven hundred and sixty-three, unless a certificate of such assignment, upon oath, to the purport hereinbefore mentioned, with respect to an original annuity or rent-charge, shall have been entered with such clerk of the peace, town clerk, or other officer as aforesaid, twelve calendar months at least before the first day of such election; and that no person shall vote at any such election as aforesaid, by reason of an assignment of any annuity or rent-charge, or any part or parts thereof, made after the first day of June, one thousand seven hundred and sixty-three, unless a memorial of such assignment, and also a memorial of the grant of such annuity or rent-charge of which such assignment shall be made, shall have been attested and registered twelve calendar months at least before the first day of such election, in the same manner as is herein-

before directed, with respect to the memorial of an original grant or rent charge.

3 Geo. 3. c. 24.

in cases of  
original grants.  
(See ante, § 1.)

§ 5. And be it further enacted, by the authority aforesaid, that the clerk of the peace of every county, riding, or division, and the clerk of the peace, town clerk, or other officer as aforesaid, of every such city or town, shall keep a book or books for entering of every such certificate and memorial, and shall be allowed for the entry of every such certificate, the sum of one shilling, and of every such memorial, two shillings, and no more; and for every search for any certificate or memorial, one shilling, and no more; and that any person or persons may, at all seasonable times, resort to, and inspect the certificates, memorials, and books of entries thereof; and such clerk of the peace, town clerk, or other officer as aforesaid, or their deputies, is hereby directed and required forthwith to give a copy of any certificate or memorial to any person or persons who shall desire the same, paying for such copy, if it contains not more than two hundred words, the sum of six-pence, and so in proportion for any greater number of words; and such clerk of the peace, town clerk, or other officer as aforesaid, or their deputies, is hereby impowered to administer an oath in all cases where an oath is required by this act; and true copies of the aforesaid certificates and memorials, attested by such respective clerks of the peace, town clerk, or other officer as aforesaid, or their deputies, shall, at all times, be allowed and admitted as legal evidence in all cases whatsoever.

Books to be kept by the proper officers for entering such certificates and memorials,

who are to be allowed for entry of every certificate one shilling, and of every memorial two shillings, and for every search one shilling.

Books to be open for inspection, and copies of certificate or memorials to be given on payment of 6d. for every 200 words, and so in proportion.

Officer may administer an oath where required by act.

Copies of certificates and memorials attested by the proper officer to be deemed legal evidence.

3 Geo. 3. c. 24.

Memorials of grants or assignments made and executed above 40 miles from the office of clerk of the peace, &c. to be registered, upon producing an affidavit made by one of the witnesses before one of the judges at Westminster, or a master in chancery, &c.

Deposing to having seen it executed, and clerk of peace, &c. may give certificate of registry,

which to be evidence.

Officer or deputy, to attend, upon reasonable notice and satisfaction, with the books of entries at any such election.

§ 6. Provided always, and be it further enacted, by the authority aforesaid, that a memorial of such grant or assignment as shall be made and executed in any place not within forty miles of the office of the clerk of the peace for the respective county, riding, or division, or of the town clerk, or other officer as aforesaid, shall be entered and registered by such clerk of the peace, town clerk, or other officer as aforesaid, or their deputies, in case an affidavit sworn, or affirmation of a quaker, before one of the judges at *Westminster*, or a master in chancery ordinary or extraordinary, be brought with the said memorial to the said clerk of the peace, town clerk, or other officer, as aforesaid, wherein one of the witnesses to the execution of such grant or assignment shall swear that he or she saw the same executed; and the same shall be a sufficient authority to the clerk of the peace, town clerk, or other officer, or their deputies, to give the party that brings such memorial a certificate of the registering such memorial; which certificate, signed by the said clerk of the peace, town clerk, or other officer, as aforesaid, or their deputies, shall be taken and allowed as evidence of the registry of the same memorial in all courts of record whatsoever; any thing herein contained to the contrary notwithstanding.

§ 7. And be it further enacted, by the authority aforesaid, that the clerk of the peace of every county, riding, or division, and the clerk of the peace, town clerk, or other officer, as aforesaid, of every such city or town, or their deputies, shall, upon reasonable notice, attend at any such election with the book or books of

entries of every such certificate and memorial, at the request of any candidate or candidates; he or they making him reasonable satisfaction for such attendance.

3 Geo. 3. c. 24.

§ 8. And be it further enacted, by the authority aforesaid, that if any clerk of the peace, town clerk, or other officer, as aforesaid, shall be guilty of any wilful neglect, misdemeanor, or fraudulent practice, contrary to the true intent and meaning of this act, every such clerk of the peace, town clerk, or other officer, as aforesaid, shall, for every such offence, forfeit one hundred pounds to the person who shall sue for the same, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at *Westminster*; wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

Officer guilty of any neglect or misdemeanor, &c. contrary to the act, to forfeit 100l. to informer.

§ 9. Provided always, and it is hereby further enacted and declared by the authority aforesaid, that no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution be commenced within twelve months after such forfeiture or penalty shall be incurred.—A. D. 1762.

Prosecutions to be commenced within 12 months.



The Stat. 12 Geo. 3. c. 21.

*An Act for giving Relief in Proceedings upon Writs of Mandamus for the Admission of Freemen into Corporations; and for other Purposes therein mentioned.*

“ WHEREAS divers persons, who have a right  
 “ to be admitted citizens, burgesses, or freemen,  
 “ of divers cities, towns corporate, boroughs,  
 “ cinque ports, and places, within that part of  
 “ Great Britain called *England* and *Wales*,  
 “ being refused to be admitted thereto, have,  
 “ in many cases, no other ordinary remedy to  
 “ procure themselves to be admitted to the  
 “ franchises of being citizens, burgesses, or  
 “ freemen, than by writs of *mandamus*, the pro-  
 “ ceedings on which are very dilatory and ex-  
 “ pensive; and, although any such writ of  
 “ *mandamus* is obeyed, the person applying is  
 “ nevertheless put to great and unnecessary  
 “ trouble, delay, and expence; and whereas by  
 “ the laws now in being, in many cases, no  
 “ provision is made for giving costs to the party  
 “ suing out any such writ where the same is  
 “ obeyed:” For remedy whereof, be it enacted  
 by the king’s most excellent majesty, by and  
 with the advice and consent of the lords spiri-  
 tual and temporal, and commons, in this present  
 parliament assembled, and by the authority of  
 the same, that from and after the first day of  
 August, one thousand seven hundred and seven-  
 ty-two, where any person shall be entitled to  
 be admitted a citizen, burgess, or freeman, of

After Aug. 1,  
 1772, any per-  
 son entitled to  
 be admitted a



any such city, town corporate, borough, cinque port, or place, and shall apply to the mayor, or other person, officer, or officers, in such city, town corporate, borough, cinque port, or place, who hath or have authority to admit citizens, burgesses, and freemen therein, to be admitted a citizen, burgess, or freemen thereof; and shall give notice, specifying the nature of his claim, to such mayor, or other officer or officers, that if he or they shall not so admit such person a citizen, burgess, or freeman, within (a) one month from the time of such notice, the court of king's bench will be applied to for a writ of *mandamus*, to compel such admission; and if such mayor, or other officer or officers, shall, after such notice, refuse or neglect to admit such person, and a writ of *mandamus* shall afterwards issue to compel such mayor, or other officer or officers, to make such admission, and, in obedience to such writ, such persons shall be admitted by the said mayor, or other officer or officers, a citizen, burgess, or freeman of such city, town corporate, borough, cinque port, or place, then such person shall (unless the court shall see just cause to the contrary) obtain and receive from the said mayor, or other officer or officers, so neglecting or refusing as aforesaid, all the costs to which he shall have been put in applying for obtaining and serving such writ of *mandamus*, and enforcing the same, by a rule to be made by the court out of which such writ shall issue, for the payment thereof, together with the costs of applying for, obtaining, serving, and enforcing the said rule; and if the rule so to be made shall not be obeyed, then the same shall be en-

12 Geo. 3. c. 21.

citizen, &c. of any city, and applying to the mayor, &c. for that purpose,

giving him notice, specifying the nature of his claim, and that if not admitted within one month, the court of king's bench will be applied to for writ of *mandamus*, &c. If mayor, &c. refuse, &c. to admit such person, and a *mandamus* shall issue, for compelling his admission, and in obedience thereto he shall be admitted,

(unless the court shall see cause to the contrary)

the mayor to pay all costs.

If rule not obeyed, to be

(a) In the quarto statutes, "within;" evidently a misprint for "with," instead of "print."

12 Geo. 3. c. 21.  
 enforced as  
 other rules of  
 the court.

Freemen to be  
 admitted to in-  
 spect the en-  
 tries of admis-  
 sion, &c. and  
 to take copies  
 thereof,

paying as  
 herein.

Mayor, bailiff,  
 &c. denying  
 inspection of  
 such entries, or  
 to give copies  
 thereof, shall,  
 for every re-  
 fusel, forfeit  
 100*l.* to in-  
 former.  
 How to be re-  
 covered, and  
 how plaintiff  
 to declare.

forced in such manner as other rules made by the said court are or may be enforced by law.

§ 2. “ And, in order that it may be known  
 “ what persons are, from time to time, admitted  
 “ freemen or burgesses of any city, corporation,  
 “ borough, or cinque port,” Be it further enacted  
 by the authority aforesaid, that the mayor,  
 bailiff, town clerk, or other officer of any city,  
 corporation, borough, or cinque port, having the  
 custody of, or power over, the records of the  
 same, shall, upon the demand of any two free-  
 men or burgesses, permit such freemen or bur-  
 gesses, and their agent or agents, at any time  
 whatsoever, between the hours of nine in the  
 morning and three in the afternoon, to inspect  
 the entries of admission of freemen, burgesses, or  
 other inferior corporators(*a*), and to take copies  
 or extracts therefrom, paying for every such  
 inspection two shillings and six-pence; and for  
 every such copy or extract, not exceeding se-  
 venty-two words, the sum of four-pence; and  
 so in proportion for all such copies or extracts:  
 and if any mayor, bailiff, town clerk, or other  
 officer, shall refuse or deny the inspection of any  
 such entries, or to give copies or extracts there-  
 of, as before directed, he or they shall, for every  
 such denial or refusal, forfeit and pay the sum  
 of one hundred pounds to any person who shall  
 sue for the same, to be recovered, with full  
 costs of suit, by action of debt in any of his  
 majesty’s courts of record at *Westminster*; in  
 which action it shall be sufficient for the plain-  
 tiff to alledge in his declaration that the defend-  
 ant, or defendants, is or are indebted to the

(*a*) In the quarto statutes, “ corporations,” which must be a misprint.

said plaintiff in the sum of one hundred pounds for money had and received to his use; provided that such action shall be commenced within the space of one year after the cause of it shall have arisen and not afterwards.—  
A. D. 1772.

12 Geo. 3. c. 21.  
Action to be brought within one year.

The Stat. 20 Geo. 3. c. 17.

*An Act to remove certain Difficulties relative to Voters at County Elections.*

“ WHEREAS the several laws now in being  
“ for ascertaining the rights of persons claiming  
“ to vote in the elections of knights of the shire  
“ to serve in parliament, for that part of *Great*  
“ *Britain* called *England*, are difficult to be car-  
“ ried into execution, and great delays and incon-  
“ veniencies have been occasioned by the num-  
“ berless disputes which have arisen at county  
“ elections concerning such rights:” For remedy  
whereof, be it enacted by the king’s most excel-  
lent majesty, by and with the advice and con-  
sent of the lords spiritual and temporal, and  
commons, in this present parliament assembled,  
and by the authority of the same, that from  
and after the first day of January, one thousand  
seven hundred and eighty-one, no person shall  
vote for electing of any knight or knights of  
the shire to serve in parliament, within that

After Jan. 1,  
1781, no per-  
son to vote at  
any county  
election in  
England or  
Wales, in re-  
spect of

42 Geo. 3. c. 117.

any messuages, &c. not assessed to the land tax six months previous to the time of election, (in case there be such assessment) either in the name of the person claiming to vote or of his tenant actually occupying.

part of *Great Britain* called *England*, or the principality of *Wales*, in respect of any messuages, lands, or tenements. which have not, for six calendar months next before such election, been charged or assessed towards some aid granted or to be granted to his majesty, his heirs or successors, by a land tax (a), (in case any such aid be then granted and assessable,) in the name of the person or persons who shall claim to vote at such election for or in respect of any such messuages, lands, or tenements, or in the name of his or their tenant or tenants, actually occupying the same as tenant or tenants of the owner or landlord thereof.

Act not to extend to annuities or fee-farm rents (duly registered) issuing out of messuages, &c. &c. assessed as aforesaid, nor to persons where title to messuages (in respect whereof the vote is) came by descent, marriage, devise, or promotion, &c. within a twelvemonth before election; provided the claimant's qualification has been assessed to the land tax, within two years before

§ 2. Provided always, that this act, with respect to such rating and assessing as aforesaid, shall not extend, or be construed to extend, to annuities or fee-farm rents (duly registered) issuing out of any messuages, lands, or tenements, rated or assessed as aforesaid: nor shall the same extend, or be construed to extend, to any person who became entitled to such messuages, lands, or tenements, for which he shall vote, or claim to vote as aforesaid, by descent, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to an office, within twelve calendar months next before such election; but such person shall be entitled to vote at such election; if the messuages, lands, or tenements, for which he shall vote, or claim to vote, as aforesaid, have been, within two years next before such election, rated or assessed to the land tax, in the name of the per-

(a) See a provision for cases where land tax has been repealed, 42 Geo. 3. c. 116, *post*.

son or persons by or through whom such person voting, or claiming to vote, as aforesaid, shall derive his title to the messuages, lands, or tenements, for which he shall vote, or claim to vote, as aforesaid, or in the name of some predecessor, within two years next before such election, of such person claiming to vote in respect of any promotion to any benefice in a church, or promotion to an office, or in the name of the tenant or tenants of such person or persons, such tenant or tenants actually occupying such messuages, lands or tenements.

20 Geo. 3. c. 17.

the election, in the name of the person through whom he derives title, or of some predecessor within two years, or in the name of their tenants actually occupying.

§ 3. And be it further enacted, that the commissioners of the land-tax for that part of *Great Britain* called *England*, or the principality of *Wales*, at their respective meetings held for appointing assessors of the land-tax for the several parishes and places lying within the division for which such commissioners shall act, shall cause to be delivered to each of the said assessors, a printed form of assessment, as set forth in the schedule hereunto annexed; and the said assessors are hereby required to make their assessments according to the said form; and shall make three duplicates of such assessments; and shall (at least fourteen days before such assessment shall be delivered to the commissioners of the land-tax for the county, riding, or division, within which the parish or place for which such assessment shall be made shall lie) cause one of the said duplicates, or a fair copy thereof, to be stuck up upon one of the doors of the church or chapel of the parish or place for which such assessment shall be made; but in case such assessment shall be made for an extra-parochial or any other place, where there is not any

Commissioners of the land-tax to deliver to assessors a printed form of an assessment, (for which see the end of the act,) who are to make their assessments according thereto,

making three duplicates thereof, one of which, or a copy, 14 days before delivery to commissioners,

to be stuck up on the door of the parish church, &c.

If assessment be for an extra-parochial place or for any place

20 Geo. 3. c. 17.

where no church, &c. to be stuck on the door of the church, &c. in the next parish.

Where person occupies messuages, &c. belonging to different owners, such messuages, &c. to be separately assessed

Duplicates to be delivered to commissioners at their next meeting for receipt of assessments.

Persons entitled to vote whose names are omitted in the assessments may appeal to the commissioners;

giving previous notice to assessors.

Commissioners to amend the assessments where defective, by inserting or erasing names.

church or chapel, then such assessment shall be stuck up upon one of the doors of the church or chapel in a parish next adjoining; and if any person or persons (renting, holding, or occupying, any messuages, lands, or tenements, in any such parish or place) shall rent, hold, or occupy, messuages, lands, or tenements, belonging to different owners, or proprietors, the same shall be separately and distinctly rated and assessed in such assessments, that the proportion of the land-tax to be paid by each separate owner or proprietor respectively may be known and ascertained; and the said duplicates shall be delivered to the land-tax commissioners, at their meeting for the receipt of assessments; and if the name of any owner or owners of any messuages, lands, or tenements, in such parish or place, entitled to vote as aforesaid, shall not appear or be included in such assessment, it shall and may be lawful for such person or persons, by himself or themselves, or by his or their agent or agents, to appeal to the commissioners of the land-tax, to whom such assessments shall be returned; and every person so intending to appeal shall, and is hereby required to give notice thereof in writing to one or more of the assessors of the parish or place wherein he is rated; and the said commissioners, on sufficient cause to be shewn, shall amend the duplicates of such assessments, by inserting therein the name or names of the actual occupier or occupiers, and of the owner or owners of such messuages, lands, or tenements, or the person or persons entitled to, or in the actual receipt of the rents, issues, and profits thereof, or by erasing the name of any person who shall appear to them to have been improperly inserted therein;

and the said commissioners are hereby required to cause one of the said duplicates so amended (after the same shall be duly signed and sealed by the said commissioners or any three of them) to be returned to the said assessors, or one of them; and such assessors are hereby required to deliver such duplicate, so amended, within ten days after the receipt thereof, to one of the chief constables of the hundred, lathe, or wapentake, within which the parish or place for which such assessment was made shall lie, taking the receipt of such chief constable for the same, and which receipt such chief constable is hereby required to give; and such chief constable is hereby also required to deliver such duplicate upon oath (which oath the said magistrates are hereby empowered to administer) without any alteration, at the next general quarter sessions of the peace for the county, riding, or division, within which such assessment shall be made, in open court, the first day of such sessions, to the clerk of the peace attending such sessions, to be by him filed and kept amongst the records of the sessions.

20 Geo. 3. c. 17.

An amended duplicate to be returned to the assessors, and they are to deliver the same within ten days to one of the chief constables of the hundred, &c. taking his receipt.

Chief constable to deliver the same upon oath without alteration at the next quarter sessions, on the first day thereof, to the clerk of the peace, to be by him filed, and kept amongst the records.

§ 4. And be it further enacted, that if any assessor shall neglect to deliver such duplicate so amended, to such chief constable as aforesaid, or if such chief constable, to whom the same shall be delivered, shall neglect to deliver the same to such clerk of the peace, at the next general quarter sessions of the peace as aforesaid, or shall wilfully alter or deface any such duplicate; every such assessor and chief constable so offending, shall, for every such offence, and for every such duplicate so neglected to be delivered as aforesaid, forfeit the sum of five

Assessor or constable neglecting to deliver duplicate as above directed, or altering the same, liable to a penalty of 5*l*.



20 Geo. 3. c. 17. pounds, to be levied and recovered in the manner hereinafter-mentioned.

At Michaelmas sessions clerk of the peace, before the end of sessions, to examine whether duplicates of all assessments, &c. delivered;

if not, upon his report, the court to fine constable where default 5l.

whereof clerk of the peace to give notice, and on failure of payment, fines may be levied by distress, as herein.

§ 5. And be it further enacted, that at the *Michaelmas* sessions in every year, the clerk of the peace, or his deputy, attending such sessions, in every county, riding, or division, as aforesaid, shall, before the conclusion of such sessions, examine whether the duplicates of all the assessments within such county, riding, or division, shall have been delivered for that year; and if it shall appear that any such duplicates have not been received by or delivered to such clerk of the peace, or his deputy, by the proper chief constables, then and in such case such clerk of the peace, or his deputy, shall report the same to the court, and the court shall immediately set and impose the said fine or fines of five pounds upon such chief constables, for the hundred, lathe, or wapentake, within which the parish or place for which such duplicate or duplicates, of the assessment or assessments not returned shall lie; and the said clerk of the peace, or his deputy, shall give to such chief constables immediate notice of such fine or fines; and if the same is or are not immediately paid, the justices assembled in the said quarter sessions shall, by order of court, issue a warrant of distress for the recovery thereof, directed to the constable or constables of the respective parishes or places where such chief constables shall live; and such warrant shall be delivered or transmitted by the clerk of the peace, or his deputy, to such constables or one of them, who is and are hereby required to levy such fine or fines, by distress and sale of the goods and chattels of such chief constables, rendering the



overplus (if any) to the owners of such goods and chattels, after deducting the reasonable charges of such distress. 20 Geo.3. c. 17.

§ 6. Provided always, that if such chief constables shall voluntarily make oath at such sessions, that such duplicate or duplicates was or were not delivered to them, or either of them, by such assessor or assessors, then and in such case, the said fine or fines, herein-before directed, shall be set and imposed upon such assessor or assessors, of the parish or place, parishes or places, for which such duplicate or duplicates shall not be returned; and the justices assembled in such quarter sessions shall, by order of court, issue a warrant of distress for the recovery thereof, directed to the constable or constables of such parish or place, or respective parishes or places, or to such other person or persons as such justices shall think proper; and also shall, by order of court, require the chief constables, or one of them, to give notice to such assessor or assessors, that such fines have been set and imposed; and such chief constables are hereby required to serve such notices upon such assessors within fourteen days next after such sessions; and if such assessors, or one of them, shall not deliver such duplicate, or the chief constables' receipt for the same, to the clerk of the peace, or his deputy, for such county, riding, or division, within ten days after being served with such notice, then and in such case the said clerk of the peace, or his deputy, shall deliver or transmit such warrant of distress against the assessor, to the person or persons to whom the same shall be directed, who is hereby required to levy the said fine set

In case chief constables make oath that assessors neglected to deliver said duplicates to them, such fines to be imposed on assessors making default,

and justices to issue warrant of distress, &c. to recover the same; and to require chief constables to give notice to assessors within 14 days after the sessions.

Whereupon if an assessor shall not deliver such duplicate or constables' receipt for the same to the clerk of the peace, &c. within 10 days, fines to be levied by distress, then such warrant of distress to be transmitted to person to whom directed, who is to levy, &c.

20 Geo. 3. c. 17.

upon such assessor, by distress and sale of the goods and chattels of such assessor or assessors, rendering the overplus (if any) to the owner or owners, after deducting the reasonable charges of such distress.

But if assessors within the said time shall produce to the clerk of the peace, &c. the chief constables' receipt, then the fine to be levied on constables,

§ 7. Provided always, that if such assessors, or either of them, shall, within the said ten days after such notice, produce to the said clerk of the peace, or his deputy, the receipt of such chief constables, or one of them, for such duplicate, then and in such case, such clerk of the peace, or his deputy, shall deliver or transmit the warrants against such chief constables, or such of them who shall have signed such receipt, to the proper constable or constables to whom the same shall be directed, that the same may be executed as aforesaid, and the warrant or warrants for levying the fine or fines upon such assessor or assessors shall not be executed.

but not upon assessors.

Fines on constables and assessors to be paid to the treasurer of the county, &c. to be applied as part of the county stock.

§ 8. And be it further enacted, by the authority aforesaid, that the fines to be set and imposed upon such chief constables and assessors as aforesaid, shall, after the same shall be so levied and recovered, be, by the person or persons who shall levy and recover the same, paid to the treasurer of the county, riding, or division, wherein the same shall be levied or recovered, or the lawful deputy of such treasurer, to be applied and disposed of as part of the county stock, under the direction of the sessions of such county, riding, or division.

When assessment not made and returned to the clerk of

§ 9. And be it further enacted, that whenever any assessment shall not have been made by the assessor or assessors of any parish or

place, and returned to the chief constable, and by the chief constable to the clerk of the peace, by the neglect or default of any person concerned therein, it shall and may be lawful for the said justices at the said quarter sessions, or any two justices for such county, riding, or division, out of sessions, to order and direct such assessment or assessments forthwith to be made and returned in manner aforesaid; and such assessments, so made and returned, shall have the same and the like effect as if made and returned at the time and in the manner hereinbefore directed.

20 Geo. 3. c. 17.


the peace, justices may order them to be made and returned forthwith, and when returned to have the same effect as if made as before directed.

§ 10. And be it further enacted, that if any person or persons shall be dissatisfied, or shall think himself or themselves aggrieved by any determination of the said commissioners of the land-tax, it shall and may be lawful for such person or persons to appeal against such determination to the general quarter sessions of the peace for the county, riding, or division, within which such commissioners shall act, which shall happen next after the cause of complaint shall have arisen, giving ten days notice of such appeal to one of the commissioners signing the duplicate of the said assessment, and also to one of the assessors of the parish or place where the estate, belonging to the person or persons who shall think himself or themselves aggrieved, shall lie; and the justices assembled in such sessions are hereby authorized and required, by examination upon oath, (which oath the said justices are hereby authorized to administer), to hear and determine the matter of such appeal, and to amend such assessments where they shall think necessary; and also to award such costs as to

Persons aggrieved, by determination of commissioners, may appeal to the next quarter sessions;

giving ten days notice to one of the commissioners and to one of the assessors.

Justices in sessions to hear and determine appeals, and to amend assessments where necessary; and may award costs, &c.

20 Geo. 3. c. 17.  them in their discretion shall seem reasonable; and by their order or warrant to levy the costs which shall be so awarded, by distress and sale of the goods and chattels of the person or persons against whom the same shall be so awarded, rendering the overplus (if any) to the owner or owners, after deducting the reasonable charges of such distress.

Any person whose name, on appeal, is inserted, having been improperly left out of any assessment, shall be deemed to have been rated therein, as if originally inserted.

§ 11. And be it further enacted, that if the said commissioners, upon any appeal before them, and also the said justices in sessions upon any appeal before them, shall find it requisite to insert in such assessments, or the duplicates thereof, the names of any person or persons which shall appear to such commissioners, or to such justices, to have been improperly omitted, such person or persons shall be taken and deemed to be rated in such assessment or assessments, as effectually, to all intents and purposes, as if the name or names of such person or persons had been originally inserted in such assessment by the assessors.

Husbands of women entitled to dower out of the freehold estates of their former husbands, may vote in respect thereof, if it be of the clear yearly value of 40s., although the same is not set out by metes and bounds, if such husbands be in the actual receipt of the profits, and the

§ 12. “ And whereas disputes have arisen, “ whether the husbands of women entitled to “ dower or thirds, at common law, out of “ the estates of their former husbands, shall be “ entitled to vote in the election of members of “ parliament, unless dower has been assigned and “ set out, by metes and bounds for such women;” Be it therefore further enacted, that where any woman, the widow of any person tenant in fee or in tail, shall be entitled to dower or thirds, by the common law, out of the freehold estate of which her husband died seised or possessed of, and shall intermarry with a second husband,

such second husband shall be entitled to vote in respect of such dower or thirds, if such dower or thirds shall be of the clear yearly value of forty shillings, or upwards, although the same has not been assigned or set out by metes or bounds, if such second husband shall be in the actual receipt of the profits of such dower, and the estate from whence the same issues is rated to, and contributes to the land-tax in the name of the actual owner of the lands or tenements, from whence such dower or thirds arises or issues.

20 Geo. 3. c. 17.  
estates rated  
and contributi-  
ing to the land-  
tax.

§ 13. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for all and every person or persons, at all reasonable times, to resort to and inspect the said duplicates, or any part thereof, in the hands of such clerk of the peace, or his deputy, paying for every search into, or inspection of such duplicates, or any part thereof, one shilling, and no more; and the said clerk of the peace, or his deputy, is hereby required and directed, upon demand, to deliver a true copy or copies of all such duplicates, or of such part or parts of them, or any of them, of which a copy shall be demanded, to any person or persons who shall demand or desire the same, (such copy or copies to be signed by such clerk of the peace, or his deputy, purporting the same to be a true copy or true copies,) and for which copy or copies such clerk of the peace, or his deputy, shall be paid at and after the rate of six-pence, and no more, for every three hundred words or figures, and so in proportion for any lesser number of words or figures; which said duplicates, and also a true copy of them, or any of them, or any

Duplicates in  
the hands of  
clerk of the  
peace, &c. may  
be inspected,

on payment of  
1s.

Clerk of the  
peace to deli-  
ver copies of  
duplicates on  
demand, signed  
by himself, or  
deputy,

being paid as  
herein.

Duplicates or  
copies signed  
as aforesaid.

20 Geo. 3. c. 17.

also duplicates in possession of commissioners or of receiver-general of the county, or copy signed by commissioners, to be legal evidence.

Copies to be delivered in a reasonable time after demand.

Clerk of the peace, or deputy, to attend at every election of a knight of the shire, with original duplicates, at request of candidate, &c. persons requesting him so to do, paying him 2l. 2s. for each day's attendance, and 1s. 6d. per mile for travelling charges.

After issuing any writ, &c. for election of a knight of a shire, the clerk of the peace or deputy to at-

part of them, signed as aforesaid, and also the duplicate of any assessment in the possession of the commissioners of the land-tax, or in the possession of the receiver-general of the county, or a copy of the said duplicates, signed by such commissioners, and purporting the same to be a true copy, shall, at all times and in all places, be allowed and admitted as legal evidence of such assessments, certificates, memorials, and books of entries, in all cases whatsoever; and such copy shall be delivered in a reasonable time after the same shall be demanded.

§ 14. And be it further enacted, by the authority aforesaid, that such clerk of the peace of every county, riding, or division, in whose office such duplicates shall be filed as aforesaid, or his deputy, shall, upon reasonable notice, attend at every election of a knight or knights of the shire for such county, with the said original duplicates, at the request of any candidate, or the agent or agents of any candidates; the person or persons requesting the same making such clerk of the peace, or his deputy, a satisfaction for such attendance, at and after the rate of two guineas for each day of his attendance at such election, together with an allowance of one shilling and sixpence a mile for the costs and charges he may be at, or put unto, in his journey from the place of his abode to and from the place of such election.

§ 15. And be it further enacted, that after issuing any writ or precept for the election of a knight or knights of the shire for any county within that part of *Great Britain* called *England*, or the dominion of *Wales*, the clerk of

the peace, or his deputy, shall, and he is hereby required to attend, *gratis*, from day to day, from the hour of nine in the forenoon to three in the afternoon, in each day, at the place where the records of such county, riding, or division, are usually kept, from the time of the delivery of such notice to the day immediately preceding the day of election of such knight or knights, for the purpose of receiving applications for the inspection of such duplicates, and for making copies of them, or any of them, or of so much of them, or any of them, which he shall be requested to copy as aforesaid.

20 Geo. 3. c. 17.

tend *gratis*, where the records of the county are usually kept, from nine till three each day, till election to receive applications for inspection of duplicates, and making copies when requested.

§ 16. And be it further enacted, that if any clerk of the peace, or his deputy, shall neglect or refuse to permit such duplicates, or any of them, or any part of them, or any of them, to be inspected by any person or persons who shall request the same as aforesaid, or shall neglect or refuse to deliver any copy or copies of the same, or any part thereof, within the time before mentioned, or shall neglect to attend as aforesaid at the place where the records of such county, riding, or division, are usually kept, or at any county election, with such duplicates, in pursuance of the directions of this act; every such clerk of the peace, or his deputy, shall, for every such offence, forfeit the sum of five hundred pounds to the party aggrieved, provided such action is brought within two months after the offence shall have been committed; and if no such action shall be brought within the said time, then to any person who shall sue for the same in the manner herein-after mentioned; and shall also forfeit his office of clerk

Clerk of peace or deputy refusing inspection of duplicates, &c. refusing copies, neglecting to attend at place where records kept or to attend election contrary to act,

to forfeit 500*l.* to party grieved, on action to be brought within two months, &c.;

if no action brought within that time, then forfeiture to be to informer.



20 Geo. 3. c. 17.

Clerk of peace,  
or deputy, on  
conviction, to  
forfeit office  
and be inca-  
pable.

of the peace, or deputy, the same to be absolutely void on such clerk of the peace, or his deputy, being convicted of such offence; and such clerk of the peace, or deputy clerk of the peace, shall be rendered incapable of being again appointed a clerk of the peace, or deputy clerk of the peace, or of acting as such, in or for any county, riding, or division, whatsoever.

Final judgment  
upon any ver-  
dict against a  
clerk of the  
peace, for re-  
covery of for-  
feiture, to be  
deemed suffi-  
cient convic-  
tion.

§ 17. And be it further enacted, by the authority aforesaid, that final judgment upon any verdict to be obtained against such clerk of the peace, or deputy clerk of the peace, for the recovery of such forfeiture, shall be deemed and taken to be a sufficient conviction of such offence, without any other prosecution or conviction whatsoever; and immediately after such judgment, the said office of clerk of the peace, or deputy clerk of the peace, shall be absolutely void, to all intents and purposes whatsoever.

Penalties how  
to be recover-  
ed.

§ 18. And be it further enacted, by the authority aforesaid, that the forfeitures or penalties laid or imposed against such clerk of the peace, or deputy clerk of the peace, by this act, shall and may be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

Prosecutions

§ 19. Provided always, and be it further enacted and declared, that no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution be com-



# QUALIFICATIONS OF ELECTORS.

EXCI

menced within twelve calendar months next after such forfeiture or penalty shall be incurred.—A. D. 1780.

90 Geo.3. c. 17  
to be com-  
menced within  
twelve months.

## Form of Assessment.

County of N to wit,  
For the parish of  
in the said county.

An assessment made in pursu-  
ance of an act of parliament,  
passed in the  
year of his majesty's reign,  
for granting an aid to his  
majesty by a land tax, to be  
raised in *Great Britain*, for  
the service of the year 17

Form of assess-  
ment.

| Names of Proprietors.* | Names of Occupiers. | Sums assessed. |
|------------------------|---------------------|----------------|
| A. B. —                | Himself. —          | — —            |
| A. B. —                | C. D. —             | — —            |
| E. F. —                | C. D. —             | — —            |
| C. D. —                | G. H. —             | — —            |
| I. K. } —              | N. O. —             | — —            |
| and } —                |                     |                |
| L. M. } —              |                     |                |
| P. Q. —                | { R. S. } —         | — —            |
|                        | { and ' } —         |                |
|                        | { T. U. } —         |                |

Signed this                      day of  
17                      by us

A. B. }  
C. D. } Assessors.

\* See 30 Geo. 3. c. 35, explaining, that where there has been an actual assessment either in the name of owner or occupier six months before election it will be sufficient, though the name of the other be not in the assessment.

The Stat. 26 Geo. 3. c. 100.

*An Act to prevent occasional Inhabitants from voting in the Election of Members to serve in Parliament, for Cities and Boroughs, in that Part of Great Britain called England, and the Dominion of Wales.*

“ WHEREAS it frequently happens, in cities  
 “ and boroughs where the right of election of  
 “ members to serve in parliament is in the in-  
 “ habitants paying scot and lot, or in the in-  
 “ habitants, householders, housekeepers, and  
 “ pot-wallers, legally settled, or in the inha-  
 “ bitants householders, housekeepers, and pot-  
 “ wallers, or in the inhabitants householders  
 “ residents, or in the inhabitants within such  
 “ cities or boroughs, that much trouble, ex-  
 “ pence, and litigation, is created by occasional  
 “ voters, to the great prejudice of the real in-  
 “ habitants, who bear the burthens of such  
 “ cities and boroughs, and to whom the right  
 “ of sending members to parliament belongs:”  
 For remedy thereof, be it enacted by the king’s  
 most excellent majesty, by and with the advice  
 and consent of the lords spiritual and temporal,  
 and commons, in this present parliament assem-  
 bled, and by the authority of the same, that  
 from and after the first day of August, one  
 thousand seven hundred and eighty-six, no per-  
 son shall be admitted to vote at any election of  
 a member or members to serve in parliament  
 for any city or borough of that part of *Great  
 Britain* called *England*, or the dominion of  
*Wales*, as an inhabitant paying scot and lot, or

From Aug. 1,  
 1786, no per-  
 son to vote as  
 an inhabitant,  
 paying scot  
 and lot,

as an inhabitant householder, housekeeper, and pot-waller, legally settled, or as an inhabitant householder, housekeeper, and pot-waller, or as an inhabitant householder resiant, or as an inhabitant of such city or borough, unless he shall have been actually and *bona fide* an inhabitant paying scot and lot, or an inhabitant householder, housekeeper, and pot-waller, legally settled, or an inhabitant householder, housekeeper, and pot-waller, or an inhabitant householder resiant, or an inhabitant within such city or borough, six calendar months previous to the day of the election at which he shall tender his vote; and if any person shall vote at any such election, contrary to the true intent and meaning of this act, his vote shall be deemed null and void, and he shall forfeit, to any person who shall sue for the same, the sum of twenty pounds, to be recovered by him or her, by action of debt, in any of his majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed; and in every such action the proof of inhabitancy, as aforesaid, shall lie upon the person against whom the same shall be brought; provided nevertheless, that such action be commenced within six calendar months after the cause of action accrued: Provided also, that nothing in this act contained shall extend, or be construed to extend, to any person acquiring the possession of any house, in any city or borough, by descent, devise, marriage, or marriage settlement, or promotion to any office or benefice.

26 G. 3. c. 100.

or as an inhabitant householder, housekeeper, and pot-waller,

or as inhabitant householder resiant, or as an inhabitant, who shall not have been *bona fide* six calendar months previous to voting; on penalty of 20l.

Proof of inhabitancy to lie upon defendant.

Action to be brought within six months.

Act not to extend to persons acquiring possession of houses, &c. by descent, &c.

§ 2. Provided also, and be it further enacted, that this act shall relate only to those persons

Act only to

26 G. 3. c. 100.

relate to persons claiming a right to vote as herein.

who claim to exercise the franchise of voting as inhabitants paying scot and lot, or as inhabitants, householders, housekeepers, and pot-wallers, legally settled, or as inhabitants, householders, housekeepers, and pot-wallers, or as inhabitants, householders, residents, or as inhabitants within such cities or boroughs, and shall not extend to any other description of persons who may claim to vote at any election for members to serve in parliament for such cities or boroughs, by any other title, or by any other superadded qualification.

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The Stat. 30 Geo. 3. c. 35.

*An Act to explain and amend an Act, passed in the twentieth Year of the Reign of his present Majesty, touching the Election for Knights of the Shire to serve in Parliament, for that Part of Great Britain called England.*

20 Geo. 3. c. 17. “ WHEREAS, an act was passed in the twentieth year of the reign of his present majesty, intituled, *An act to remove certain difficulties relative to voters at county elections*, whereby it is, among other things, enacted, that from and after the first day of January, one thousand seven hundred and eighty-one, no person shall vote for electing

“ of any knight or knights of the shire to serve 30 Geo. 3. c. 39  
 “ in parliament, within that part of *Great*  
 “ *Britain* called *England*, or the principality  
 “ of *Wales*, in respect of any messuages, lands,  
 “ or tenements, which have not, for six calen-  
 “ dar months next before such election, been  
 “ charged or assessed towards some aid granted,  
 “ or to be granted to his majesty, his heirs or  
 “ successors, by a land-tax, (in case any such  
 “ aid be then granted and assessable), in the  
 “ name of the person or persons who shall claim  
 “ to vote at such election, for or in respect of  
 “ any such messuages, lands, or tenements, or  
 “ in the name of his or their tenant or tenants,  
 “ actually occupying the same, as tenant or  
 “ tenants of the owner or landlord thereof:  
 “ And whereas the form of assessment pre-  
 “ scribed by the said act, and thereunto an-  
 “ nexed, denotes that the names, both of the  
 “ proprietor and of the occupier, ought to be  
 “ specified; and doubts have arisen, whether,  
 “ if such form be not strictly pursued, the suf-  
 “ frage of the person claiming to vote be admis-  
 “ sible: And whereas an act was passed in the 22 Geo. 3. c. 31.  
 “ twenty-second year of his present majesty’s  
 “ reign, intituled, *An act for the preventing*  
 “ *of bribery and corruption in the election of*  
 “ *members to serve in parliament for the bo-*  
 “ *rough of Cricklade, in the county of Wilts,*  
 “ whereby it is enacted, that such freeholders  
 “ only shall be entitled to vote in the election of  
 “ members to serve in parliament for the said  
 “ borough of *Cricklade*, as shall be duly qua-  
 “ lified to vote at elections for knights of the  
 “ shire for the county of *Wilts*, according to  
 “ the laws in force for regulating county elec-  
 “ tions, at the time of passing the same act:” Be

30 Geo. 3. c. 35.

Persons may vote at elections for knights of the shire, or at those for Cricklade, in respect of messuages, &c. assessed, six months before election to the land-tax, in the name of person claiming to vote, or in respect of messuages, &c. coming by descent, &c. within a twelvemonth, and which have been assessed to land-tax, within two years before election;

in the name of person, under whom person claiming to vote derives his title, or of some predecessor, although name of tenant actually occupying, be not inserted in assessment.

it therefore enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that nothing in the said acts contained shall extend, or be construed to extend, to prevent any person from voting at any election of a knight or knights of a shire to serve in parliament, within that part of *Great Britain* called *England*, or the principality of *Wales*, or at any election of a burgess or burgesses, to serve in parliament for the borough of *Cricklade*, in the county of *Wilts*, for or in respect of any messuages, lands, or tenements, which have been charged or assessed, for six calendar months next before such election, towards some aid granted, or to be granted, to his majesty, his heirs or successors, by a land-tax, in the name of the person claiming to vote, or for or in respect of any messuages, lands, or tenements, to which the person so claiming to vote, shall have become entitled by descent, marriage, marriage settlement, devise, promotion to any benefice in a church, or promotion to any office, within twelve calendar months next before such election, and which messuages, lands, or tenements, shall have been, within two years next before such election, charged or assessed to the land-tax, in the name of the person or persons, by or through whom such person so claiming to vote, shall derive his title to such messuages, lands, or tenements, or of some predecessor of such person so claiming to vote, although the name of the tenant or tenants, actually occupying such messuages, lands, or tenements, shall not be inserted in such

assessment, according to the form of assessment to the said first recited act annexed. 30 Geo. 3. c. 35.

§ 2. And be it further enacted, by the authority aforesaid, that nothing in the said acts contained shall extend, or be construed to extend, to prevent any person from voting at any such election of a knight or knights of any shire, or of a burgess or burgesses for the said borough of *Cricklade*, for or in respect of any messuages, lands, or tenements, which have been charged or assessed, for six calendar months next before such election, towards some aid granted, or to be granted, to his majesty, his heirs or successors, by a land-tax, in the name of a tenant or tenants, actually occupying the same at the time of such assessment being made, although the name of the person so claiming to vote, or the person or persons by or through whom such person so claiming to vote, derives his title, or of the predecessor of the person so claiming to vote, shall not be inserted in the assessment, according to the form of the assessment to the said first recited act annexed.

Person may vote at such elections in respect of messuages, assessed six months before election, to land-tax, in the name of the tenant actually occupying, although name of person claiming to vote, nor of person under whom he claims, nor of predecessor, inserted in assesment.

## The Stat. 42 Geo. 3. c. 116.

*An Act for consolidating the Provisions of the several Acts passed for the Redemption and Sale of the Land-Tax into one Act, and for making further Provision for the Redemption and Sale thereof; and for removing Doubts respecting the Right of Persons claiming to vote at Elections for Knights of the Shire, and other Members to serve in Parliament, in respect of Messuages, Lands, or Tenements, the Land-Tax upon which shall have been redeemed or purchased.*

---

§ 200. “AND whereas doubts may arise, by  
 “reason of the provisions of an act, passed in  
 “the nineteenth year of the reign of his late  
 “majesty, king *George* the second, intituled,  
 “*An act for better regulating of elections of*  
 “*members to serve in parliament, for such*  
 “*cities and towns in that part of Great Bri-*  
 “*tain called England, as are counties of them-*  
 “*selves; and of another act, passed in the*  
 “*twentieth year of the reign of his present*  
 “*majesty, intituled, An act to remove certain*  
 “*difficulties, relative to voters at county elec-*  
 “*tions, as to the right of voting for the elec-*  
 “*tion of knights of the shire, or other mem-*  
 “*bers, to serve in parliament, by persons who*  
 “*may claim so to vote in respect of messuages,*  
 “*lands, or tenements, the land-tax charged*  
 “*whercon may have been redeemed:*” Be it

19 Geo. 2. c.  
28, recited

20 Geo. 3. c.  
12, recited.



therefore enacted, that every person who shall tender his vote at the election of any knight or knights of the shire, or other member or members to serve in parliament, within that part of *Great Britain* called *England*, or the principality of *Wales*, in respect of any messuages, lands, or tenements, of the quality and value which would by law entitle him to vote at such election, the land-tax charged whereon shall have been redeemed or purchased, shall, from and after the passing of this act, be entitled to vote at any such election as aforesaid, without being compelled to shew that such messuages, lands, or tenements, have been assessed to the land-tax, upon proving, to the satisfaction of the returning officer, on oath or otherwise, that such land-tax hath, at any time previously to such election, been redeemed or purchased, and the said messuages, lands, or tenements, become exonerated therefrom, under the provisions of the said recited acts, for the redemption of land-tax, or of this act; the said recited acts passed in the nineteenth year of his late majesty's reign, and in the twentieth year of his present majesty's reign, or any other act or law to the contrary notwithstanding.

26th June, 1802.

42 Geo. 3. c.  
116.

Persons claiming to vote at elections, in respect of messuages, lands, &c. of quality which would entitle him to vote, whereon the land-tax has been redeemed, are to be entitled to vote, &c. on proving land-tax redeemed.

The Stat. 51 Geo. 3. c. 99.

*An Act for removing Doubts, as to the registering of certain Property, purchased or sold under the Land-Tax Redemption Act, in Right of which Persons may claim to vote at Elections of Members to serve in Parliament.*

42 Geo. 3. c.  
116, recited.

(a) “ WHEREAS, by an act passed in the  
“ forty-second year of his present majesty, inti-  
“ tuled, *An act for consolidating the provi-*  
“ *sions of the several acts, passed for the re-*  
“ *demption and sale of the land-tax, into one*

(a) The stat. 42 Geo. 3. c. 116. § 154, after directing the mode of proceeding in the case of purchase of land-tax, and the certificate and registry therein, thereupon enacts, that “ the manors, messuages, lands, tenements, or hereditaments, the land-tax whereof shall be so purchased, shall be wholly freed and exonerated from such land-tax, and of all further assessments thereof, and all claims of his majesty, his heirs and successors, in respect of the same, from the like periods, as are herein directed, in cases of redemption of land-tax; but the respective purchasers of such land-tax, and their heirs, successors, and assigns, shall, from such period of exoneration, be entitled to demand, have, and receive, for their, his, or her own use, forever, and shall, by virtue of this act, be adjudged, deemed, and taken to be in the actual seisin and possession of a yearly rent or sum, as a fee-farm rent, equal in amount to the land-tax so purchased by him, her, or them, free of all charges and deductions whatever, to be issuing and payable out of the manors, messuages, lands, tenements, or hereditaments, whereon the land-tax so purchased was charged, on the same days as such land-tax was payable at the time of the purchase thereof.”

*“ act, and for making further provision for* 51 Geo. 3. c. 99.  
*“ the redemption and sale thereof; and for* (§ 154.)  
*“ removing doubts respecting the right of per-*  
*“ sons claiming to vote at elections for knights*  
*“ of the shire, and other members to serve in*  
*“ parliament, in respect of messuages, lands,*  
*“ or tenements, the land-tax upon which shall*  
*“ have been redeemed or purchased, purchasers*  
*“ of land-tax, charged upon manors, messuages,*  
*“ lands, tenements, and hereditaments, are, by*  
*“ virtue of that act, adjudged, deemed, and*  
*“ taken to be in the actual seisin and possession*  
*“ of yearly rent or sums, as fee-farm rents,*  
*“ equal in amount to the land-tax so purchased*  
*“ by them, to be issuing and payable out of the*  
*“ manors, messuages, lands, tenements, and*  
*“ hereditaments, whereon the land-tax so pur-*  
*“ chased, was charged: And whereas no person*  
*“ is allowed, by law, to vote for electing any*  
*“ member of parliament, in respect of any an-*  
*“ nuity, fee-farm rent, or rent-charge, without*  
*“ the same being first duly registered in manner*  
*“ directed by law: And whereas doubts have*  
*“ arisen, whether any person can vote at an*  
*“ election for a member of parliament, in respect*  
*“ of any land-tax so purchased as aforesaid,*  
*“ without the same, or some memorial of the*  
*“ contract or certificate for such purchase being*  
*“ first registered, in the same manner as other*  
*“ fee-farm rents, rent-charges, and annuities,*  
*“ or memorials of the grant thereof, are required*  
*“ to be registered as aforesaid:”* Now, for re-  
 moving such doubts, be it enacted and de-  
 clared, by the king's most excellent majesty,  
 by and with the advice and consent of the lords  
 spiritual and temporal, and commons, of the  
 united kingdom, in parliament assembled, and

51 Geo. 3. c. 99.

Registry of  
purchase of  
land-tax not  
necessary to  
entitle to vote  
at elections.

by the authority of the same, that in order to entitle any person to vote at an election for a member of parliament, in respect of land-tax so purchased as aforesaid, it shall not be necessary to have the same or any memorial of the contract or certificate of the purchase thereof registered, as other fee-farm rents and annuities, or a memorial of the grant thereof, are required by law to be registered before any person can vote for electing a member of parliament in respect thereof.

# ACTS

RESPECTING

## DISQUALIFICATIONS OF ELECTORS.

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*(For the stat. 7 and 8 Will. 3. c. 25. § 8, en-acting that no person under the age of twenty-one shall be capable of voting at any election, see 1 vol. 112).*

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The Stat. 22 Geo. 3. c. 41.

*An Act for better securing the Freedom of Elections of Members to serve in Parliament, by disabling certain Officers, employed in the Collection or Management of His Majesty's Revenues, from giving their Votes at such Elections.*

FOR the better securing the freedom of elections of members to serve in parliament, be it enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of August, one thousand seven hundred and

From Aug. 1  
1782, no com-  
missioner or

22 Geo. 3. c. 41.

~  
 ficer employed  
 in collecting or  
 managing the  
 duties of ex-  
 cise, customs,  
 stamped vel-  
 lum, &c. nor  
 any person ap-  
 pointed by  
 commissioners  
 of stamps, nor  
 commissioner,  
 officer, &c. em-  
 ployed in col-  
 lecting, &c.  
 duties on salt,  
 duties on win-  
 dows and  
 houses,

nor postmaster,  
 &c. or officers  
 of post-office,  
 or of post-office  
 packets,

to be capable  
 of voting at  
 any election of  
 members of  
 parliament.

eighty-two, no commissioner, collector, super-  
 visor, gauger, or other officer or person what-  
 soever, concerned or employed in the charging,  
 collecting, levying, or managing the duties of  
 excise, or any branch or part thereof; nor any  
 commissioner, collector, comptroller, searcher,  
 or other officer or person whatsoever, concerned  
 or employed in the charging, collecting, levy-  
 ing, or managing the customs, or any branch or  
 part thereof; nor any commissioner, officer, or  
 other person concerned or employed in collect-  
 ing, receiving, or managing, any of the duties  
 on stamped vellum, parchment, and paper, nor  
 any person appointed by the commissioners for  
 distributing of stamps; nor any commissioner,  
 officer, or other person employed in collecting,  
 levying, or managing any of the duties on salt;  
 nor any surveyor, collector, comptroller, inspec-  
 tor, officer, or other person employed in collect-  
 ing, managing, or receiving, the duties on win-  
 dows or houses; nor any postmaster, post-  
 masters general, or his or their deputy or de-  
 puties, or any person employed by or under him  
 or them in receiving, collecting, or managing,  
 the revenue of the post-office, or any part  
 thereof; nor any captain, master, or mate of  
 any ship, packet, or other vessel employed by  
 or under the postmaster or postmasters general  
 in conveying the mail to and from foreign ports,  
 shall be capable of giving his vote for the elec-  
 tion of any knight of the shire, commissioner,  
 citizen, burgess, or baron to serve in parliament,  
 for any county, stewartry, city, borough, or  
 cinque port, or for choosing any delegate in  
 whom the right of electing members to serve  
 in parliament, for that part of *Great Britain*  
 called *Scotland*, is vested: And if any person,

hereby made incapable of voting as aforesaid, shall nevertheless presume to give his vote, during the time he shall hold, or within twelve calendar months after he shall cease to hold, or execute any of the offices aforesaid, contrary to the true intent and meaning of this act, such votes so given shall be held null and void to all intents and purposes whatsoever; and every person so offending shall forfeit the sum of one hundred pounds; one moiety thereof to the informer, and the other moiety thereof to be immediately paid into the hands of the treasurer of the county, riding, or division, within which such offence shall have been committed, in that part of *Great Britain* called *England*; and into the hands of the clerk of the justices of the peace of the counties or stewartries, in that part of *Great Britain* called *Scotland*, to be applied and disposed of to such purposes as the justices at the next general quarter session of the peace to be held for such county, stewartry, riding, or division, shall think fit; to be recovered by any person that shall sue for the same, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at *Westminster*, in which no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed, or by summary complaint before the court of session in *Scotland*; and the person convicted on any such suit shall thereby become disabled and incapable of ever bearing or executing any office or place of trust whatsoever under his majesty, his heirs and successors.

22 Geo. 3. c. 41.

Vote of such person void.

Persons disqualified by act presuming to vote while in office or within six months afterwards to forfeit 100*l.* one moiety to informer, the other to the treasurer of county, &c. to be applied as herein.

Penalty how to be recovered.

Persons convicted to be disabled from office under the crown.

§ 2. Provided always, and be it enacted, that nothing in this act contained shall extend, or be

Not to extend to commissioners of the land-

23 Geo. 3. c. 41.

tax, or persons  
acting under  
them;

construed to extend, to any person or persons for or by reason of his or their being a commissioner or commissioners of the land-tax, or for or by reason of his or their acting by or under the appointment of such commissioners of the land-tax, for the purpose of assessing, levying, collecting, receiving, or managing, the land-tax, or any other rates or duties already granted or imposed, or which shall hereafter be granted or imposed by authority of parliament,

Nor to offices  
held by letters  
patent for any  
estate of inher-  
itance, or free-  
hold.

§ 3. Provided also, and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to any office now held, or usually granted to be held, by letters patent for any estate of inheritance or freehold.

Nor to persons  
who shall re-  
sign their of-  
fices before  
Aug. 1, 1782.

§ 4. Provided always, and be it enacted by the authority aforesaid, that nothing herein contained shall extend to any person who shall resign his office or employment on or before the said first day of August, one thousand seven hundred and eighty-two.

Limitation of  
actions.

§ 5. Provided also, and be it enacted, that no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution be commenced within twelve months after such penalty or forfeiture shall be incurred.—A.D. 1781.



The Stat. 18 Geo. 3. c. 59.

*An Act to amend and render more effectual the Laws relating to the raising and training the Militia within that Part of Great Britain called England; and to establish certain Regulations with respect to Officers serving in the Corps of Fencible Men directed to be raised in that Part of Great Britain called Scotland, and certain other Corps therein mentioned.*

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§ 25. PROVIDED always, that any relief which shall be given to the family of any militia man, during the time of actual service, shall not deprive such militia man from voting for the election of any member to serve in parliament (a).

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(For the Statutes 32 Geo. 3. c. 52. § 14, adopted by the 39 and 40 Geo. 3. c. 87. § 24, and thereby disqualifying justices, receivers, and constables, at the Thames police office, from voting at elections for the counties of Middlesex and Surrey, and for the city and liberty of Westminster, and borough of Southwark, see 1 vol. 297, 298, 299.)

(a) This contemplates parish relief. See § 24 of the act.

*(For the stat. 42 Geo. 3. c. 76. § 15, having a corresponding enactment with respect to officers at the other seven police offices, see 1 vol. 300.)*

**The Stat. 51 Geo. 3. c. 84.**

*An Act to explain an Act passed in the twenty-second Year of His Majesty, for the better securing the Freedom of Election of Members to serve in Parliament, by disabling certain Officers employed in the Collection or Management of His Majesty's Revenues from giving their Votes at such Elections, so far as relates to Coal Meters and Corn Meters of the City of London.*

12 Geo. 3. c. 41,  
re cited.

“ WHEREAS, by an act passed in the twenty-  
 “ second year of his majesty's reign, intituled,  
 “ *An act for better securing the freedom of*  
 “ *election of members to serve in parliament,*  
 “ *by disabling certain officers employed in the*  
 “ *collection or management of his majesty's re-*  
 “ *venue from giving their votes at such elec-*  
 “ *tions,* officers and persons employed in charg-  
 “ ing, collecting, levying, or managing the cus-  
 “ toms, are rendered incapable of voting for  
 “ members to serve in parliament: And where-  
 “ as doubts have arisen as to the right to vote  
 “ for members to serve in parliament, of the  
 “ fifteen coal meters, and ten corn meters of

“ the city of *London*, admitted from time to time by the lord mayor, aldermen, and commons of the said city, to have, hold, exercise and enjoy the said places of coal meters and corn meters respectively, in trust for the mayor and commonalty and citizens of the said city; and the said coal meters have been considered to be within that act, because they have commission from the commissioners of customs; and the said corn meters have also been considered to be within that act, because the duties of customs payable to his majesty on corn imported into the port of *London* are ascertained by or from the admeasurement of the said corn meters, although the said coal and corn meters respectively act without any fee or salary payable out of the customs, or other public revenues of the crown: And whereas it is not expedient that the said act should be held to extend to such coal and corn meters respectively:” Be it therefore declared and enacted, by the king’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that nothing in the said recited act contained shall extend, or be construed to extend, to such coal meters, or corn meters, of the city of *London* as aforesaid, notwithstanding they may have a commission from the commissioners of customs, or be employed in the admeasurement of coal or corn for the purpose of ascertaining the duties of customs, due to his majesty thereon, or to render such coal meters or corn meters incapable of giving their votes for members to serve in parliament, as other persons having a right of vot-

51 Geo. 3. c. 8

Recited act not  
 to extend to  
 incapacitate  
 coal meters &  
 corn meters of  
 the city of  
 London from  
 voting,

51 Geo. 3. c. 84.

provided they  
receive no salary out of  
public revenues, or are  
entitled to  
any.

ing may do, provided such coal meters and corn meters shall not receive, or be entitled to receive, any salary, fee, or reward, payable out of the revenue of customs, or other public revenues of the crown.

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## RESOLUTIONS

OF THE

### HOUSE OF COMMONS

RELATING TO

#### DISQUALIFICATIONS OF ELECTORS.

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*Resolutions repeated at the Commencement of every Session.*

*Resolved*, THAT no peer of this realm, except such peers of *Ireland* as shall, for the time being, be actually elected, and shall not have declined to serve for any county, city, or borough of *Great Britain*, hath any right to give his vote in the election of any member to serve in parliament.

---

22 December, 1698.

*Resolved, nem. con.* That no alien (not being a denizen or naturalized) hath any right to vote in elections of members to serve in parliament (a).

12 Journ. 367.

(a) For the order against peers concerning themselves in elections, see 1 vol. 285.

The Stat. 25 Geo. 3. c. 81.

*An Act to limit the Duration of Polls and Scrutinies, and for making other Regulations touching the Election of Members to serve in Parliament, for Places within England and Wales, and for Berwick upon Tweed; and also for removing Difficulties which may arise for want of Returns being made of Members to serve in Parliament.*

[*The other sections of this act contain regulations as to poll, scrutiny, oaths to be taken by electors and poll clerks, prosecutions of returning officers offending, &c.*]

(*For § 1, see 1 vol. 623. § 2, ib. 702. § 3, ib. 629. § 4, ib. 533. § 5, ib. 648. § 7, ib. 584. § 8, ib. 649. § 9, ib. 626.*)

§ 10. "AND whereas an act passed in the 10 Geo. 3. c. 1  
 "tenth year of his present majesty's reign,  
 " (intituled, *An act to regulate the trials of*  
 " *controverted elections, or returns of mem-*  
 " *bers to serve in parliament*); and another  
 " act was passed in the eleventh year of his 11 Geo. 3. c.  
 " said majesty's reign, for explaining and 42.  
 " amending the said former act; and whereas  
 " no provision is made therein for the hearing  
 " and determining any petition, unless the same

25 Geo. 3. c. 84.

“ shall complain of an undue election, or re-  
 “ turn of members to serve in parliament;”  
 Be it therefore enacted, that from and after the  
 first day of August, one thousand seven hun-  
 dred and eighty-five, if upon any writ or writs  
 to be issued for the election of any member or  
 members to serve in parliament, no return shall  
 be made to the same on or before the day which  
 such writ is made returnable; or if a writ shall  
 have been issued during any session or proroga-  
 tion of parliament, and no return shall be made  
 to the same within fifty-two days after the day  
 on which such writ bears date; or if the re-  
 turn, made in either of such cases, shall not be  
 a return of a member or members, according  
 to the requisition thereof, but contain special  
 matters only concerning such election, it shall  
 and may be lawful for any person or persons,  
 having had, or claiming to have had, a right  
 to vote at such election, or claiming to have  
 had a right to be returned as duly elected thereat,  
 who shall think himself or themselves aggrieved,  
 to petition the house of commons concerning  
 the same; and upon such petition being pre-  
 sented, a day and hour shall be appointed for  
 taking the same into consideration, and notice  
 thereof, in writing, shall be forthwith given by  
 the speaker to the petitioners, and to the re-  
 turning officer or officers by whom such return  
 ought to have been made, or shall have been  
 made, accompanied with an order to him or  
 them to attend the house at the time appointed  
 by himself or themselves, his or their counsel  
 or agents; and a select committee shall be ap-  
 pointed according to the directions of the said  
 two recited acts for regulating the trial of con-

If no return  
 made to writ  
 on or before  
 the day on  
 which the writ  
 is returnable;

or if writ is-  
 sued during  
 session or pro-  
 rogation, and  
 no return in  
 52 days after  
 test of writ, or  
 if there be a  
 special return,  
 any person  
 claiming to  
 have a right  
 to vote may  
 petition; and  
 on petition  
 presented, a  
 time to be ap-  
 pointed for  
 taking it into  
 consideration,  
 the notice and  
 order herein  
 being given.

controverted elections; which committee shall try and determine whether any and which of the person or persons named in such petition, ought to have been returned, or whether a new writ ought to issue; which determination shall be final to all intents and purposes, and the house being informed thereof by the chairman of the said select committee, shall order the same to be entered in their journals, and give the necessary directions for ordering a return to be made, or for altering the return, if made, or for the issuing a new writ for a new election or for carrying the said determination into execution, as the case may require.

25 Geo. 3. c. 84.

§ 11. And be it further enacted, that all and every the rules, regulations, authorities, and powers, given or prescribed by either of the said recited acts for regulating the trial of controverted elections, with respect to select committees to be appointed by virtue of the said acts, or either of them, shall be in full force and effect, with respect to select committees to be appointed by virtue of this present act, in as full and ample a manner as if the same were herein repeated, and particularly and especially enacted concerning the same.

Rules, &c. of recited acts to be in effect as to petitions under this act.

§ 12. Provided always, that if the returning officer or officers, by whom such return ought to have been made, or has been made, cannot be found so as to be served with the notice or order herein-before mentioned, or being served, shall not appear by himself or themselves, his or their counsel or agents, at the day or time appointed for taking such petition into consi-

If returning officer not to be found so as to be served with notice, or does not appear, &c. house may permit any person to appear in his stead.

25 Geo. 3. c. 84.

deration, it shall and may be lawful for the house to permit or authorize any person to appear in the stead of him or them; and in case there shall be no more petitions than one presented, complaining of such return, or omission of a return, or distinct interest, or complaining upon different grounds, the house shall determine, from the nature of the case, whether the returning officer or officers, or person appearing in the stead of him or them, shall, together with such petitioners, be entitled to strike off from the list of members, drawn by lot, in the manner directed by the said act, passed in the eleventh year of the reign of his present majesty, in the case where there shall be more than two parties before the house, or whether such list shall be reduced by the parties severally presenting the said petitions only.

Striking off  
names, how to  
be regulated in  
cases herein.

(For § 13, see 1 vol. 629. § 14, *ib.* § 15, *ib.* 629. § 16, *ib.* 628.)



# ACT, &c.

RESPECTING

## BRIBERY (a).

The Stat. 9 Geo. 2. c. 38.

*An Act to explain and amend so much of an Act, made in the second Year of his present Majesty's Reign, intituled, An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament, as relates to the commencing and carrying on of Prosecutions grounded upon the said Act (a).*

“ WHEREAS, by an act of parliament made in  
 “ the second year of the reign of his present  
 “ majesty, intituled, *An act for the more effec-*  
 “ *tual preventing bribery and corruption in*  
 “ *the election of members to serve in parlia-*  
 “ *ment*, it is enacted, that no person shall be  
 “ made liable to any incapacity, disability, for-  
 “ feiture, or penalty, by the said act laid or  
 “ imposed, unless prosecution be commenced  
 “ within two years after such incapacity, dis-  
 “ ability, forfeiture, or penalty, shall be in-

2 Geo. 2. c. 24,  
recited.

(a) For the stat. 7 W. 3. c. 4. (treating act), see 1 vol. 131. (bribery act), see *App.* xiii. For the stat. 49 Geo. 3. c. 118, see 1 vol. 135. For the stat. 2 Geo. 2. c. 24.

9 Geo. 2. c. 38. “ curred, or in case of a prosecution, the same  
 “ be carried on without wilful delay; and whereas  
 “ prosecutions may have been, or may be com-  
 “ menced against persons offending against the  
 “ said act, by suing out original or other writs  
 “ or processes against such persons so offending,  
 “ within two years after the incurring any in-  
 “ capacity, disability, forfeiture, or penalty,  
 “ laid or imposed by the said act, and persons so  
 “ suing out such original or other writs or pro-  
 “ cesses, may have delayed, or may delay to  
 “ serve the same, without giving the persons  
 “ against whom such original or other writs or  
 “ processes may have been or may be sued  
 “ out, any notice thereof, by reason of which  
 “ practice the said provision for limiting the  
 “ time for the prosecution of persons offending  
 “ against the said act is or may be evaded:”

Now, for explaining and amending the said pro-  
 vision, be it enacted by the king's most excel-  
 lent majesty, by and with the advice and con-  
 sent of the lords spiritual and temporal, and  
 commons, in this present parliament assembled,  
 and by the authority of the same, that no per-  
 son shall be made liable to any incapacity, dis-  
 ability, forfeiture, or penalty, by the said act  
 laid or imposed, unless such person has been, or  
 shall be, actually and legally arrested, summoned,  
 or otherwise served with any such original or  
 other writ or process, within the space of two  
 years after any offence against the said act has  
 been, or shall be committed, so as the service of  
 any such original or other writ or process hath  
 not been, or shall not be prevented by such  
 person absconding or withdrawing out of this  
 kingdom.—A. D. 1736.

No person  
 liable to any  
 penalty by  
 the said act,  
 unless arrested  
 or served  
 with the pro-  
 cess in two  
 years after the  
 offence, so as  
 the service of  
 process be not  
 prevented by  
 the person ab-  
 sconding.

*For laws for trials of controverted  
 Elections Returns. See 53 G. 3. c. 71.*

**RESOLUTIONS**  
**OF THE**  
**HOUSE OF COMMONS**  
**RELATING TO BRIBERY.**

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*18 January, 1670.*

*Resolved*, THAT the sending of warrants, or letters in the nature of warrants, or letters to high constables, or constables, or other officers, to be communicated to the freeholders or other electors, when a knight of the shire or other member is to be chosen to serve in parliament, or threatening the electors, is unparliamentary, and a violation of the right of elections.

9 Journ. 191.

*17 March, 1700-1.*

*Resolved*, THAT the lending of money upon any security to a corporation which sends members to parliament, and remitting the interest of the same with intent to influence the election of such corporation, is an unlawful and dangerous practice.

13 Journ. 416

*10 December, 1779.*

*Resolved*, THAT it is highly criminal in any minister or ministers, or other servants under the crown of *Great Britain*, directly or indirectly, to use the powers of office in the elec-

tion of representatives to serve in parliament, and an attempt at such influence will at all times be resented by this house, as aimed at its own honour, dignity, and independency, as an infringement of the dearest rights of every subject throughout the empire, and tending to sap the basis of this free and happy constitution (a).

57 Journ. 507.

*Resolution repeated at the Commencement of every Session.*

- *Resolved*, THAT if it shall appear that any person hath procured himself to be elected or returned a member of this house, or endeavoured so to be, by bribery, or any other corrupt practices, this house will proceed with the utmost severity against such person (b).

(a) For the resolution of 17th November, 1645, against the interference of governors, &c. or military officers, &c. in elections, see 1 vol. 303. For the resolution of the 22d December, 1741, against the

presence of a regular body of soldiers at an election, see 1 vol. 312.

(b) For the resolution of the house of commons of the 2d April, 1677, against treating, see 1 vol. 129.

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